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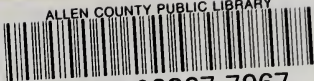
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AN  
ANNUAL PUBLICATION  
OF  
Historical Papers

RECONSTRUCTION AND STATE BIOGRAPHY.

*Published by the Historical Society of Trinity College,*

DURHAM, N. C.

SERIES I.

UNDER THE SUPERVISION OF THE DEPARTMENT OF HISTORY.

1897.

PRICE, ONE DOLLAR.



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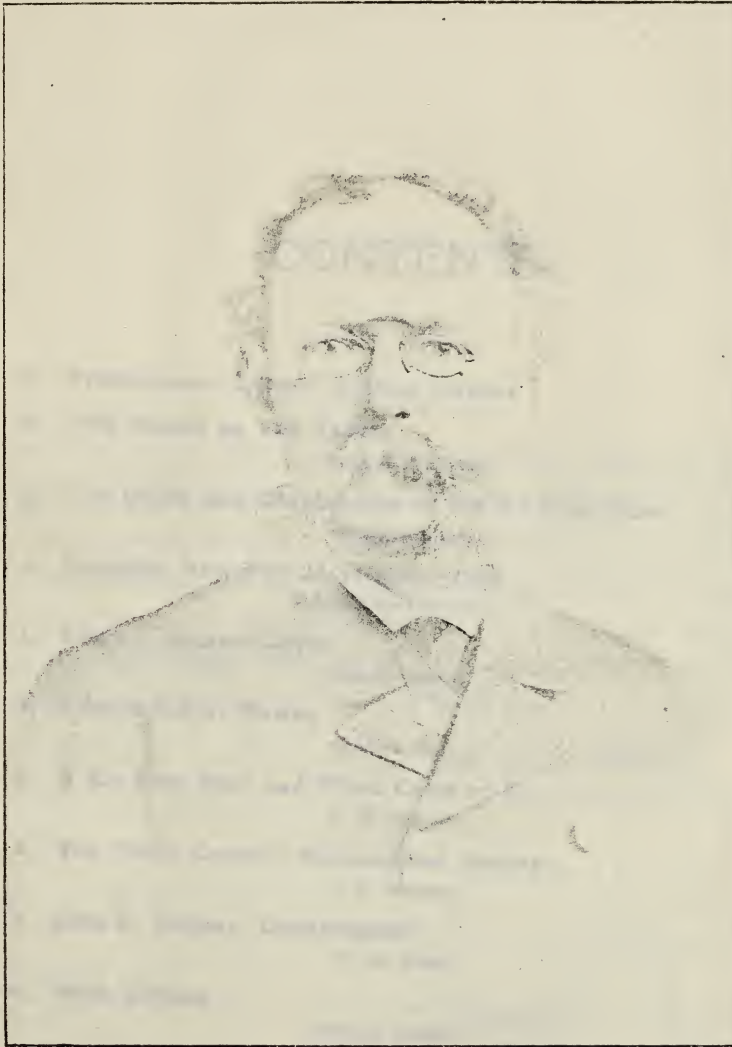
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Yours faithfully  
Edward Graham Jones.





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## PREFACE.

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The following sketches represent for the most part work done by the students in the upper classes of Trinity College. It has not been thought wise to be too stringent in reforming the style of these pieces, but pains have been taken to ensure the reliableness of the facts presented. The work of collecting them was begun with some hesitation, but it is now an assured fact that they will appear regularly in the future.

JOHN S. BASSETT,

January 1, 1897.

*Professor of History.*



#### FORT HAMBY ON THE YADKIN.

In March, 1865, General Stoneman left East Tennessee, moving by the turnpike leading from Taylorsville, Tenn., through Watauga county to Deep Gap on the Blue Ridge. On the 26th of March, he entered Boone, N. C., and on the 27th the column was divided, one division under General Stoneman marching towards Wilkesboro, while the other, under General Gillam, crossed the Blue Ridge at Blowing Rock and went to Patterson in Caldwell county, and then joined Stoneman at Wilkesboro. Leaving Wilkesboro on the 31st, General Stoneman moved over into Surry county, going toward Mt. Airy. During the march through this section of the State, Stoneman's men committed many depredations, and after leaving Wilkesboro a number of the lawless element of his command deserted. Shortly after this a number of men, some deserters from Stoneman's command and other worthless characters, led by two desperate men, Wade and Simmons, completely terrorized a large portion of Wilkes county by their frequent raids.

In order to fully understand the situation, the condition of the country at that time must be taken into consideration. Almost every man fit for military service was in the army, and the country was almost completely at the mercy of the robbers. It was thought after Lee had surrendered and the soldiers were returning home, that these depredations would be discontinued but they were not.

These marauders were divided into two bands. One, led by Simmons, had its headquarters in the Brushy Mountains, and the other, led by Wade, had its headquarters near the Yadkin river in Wilkes county. The bands at times operated together, but it is principally with Wade's band that this article is to deal. The house which Wade had chosen and fortified was near the road which leads from





Wilkesboro to Lenoir, in Caldwell county, and about a mile from Holman's Ford, where the valley road crosses the Yadkin river. The house was situated on a high hill, commanding a fine view of the Yadkin valley, and of the valley road for a distance of a mile above and a mile below the ford. The house fronted the river on the south while the rear was protected by the "Flat Woods" belt, in which there was sympathizers if not aiders and abettors of the band. From this position the Yadkin valley and the surrounding country for at least half a mile in every direction could be swept and controlled by Wade's guns. There is a legend that this point was chosen by Daniel Boone as a splendid military post to protect himself against the Indians. At any rate it would have been almost impossible to choose a stronger location, both offensive and defensive, than this. The house was built of oak logs, and was two stories high. In the upper story Wade had cut port holes for his guns, which were army guns of the most improved type, and could command the approaches to the house from all directions, making it indeed hazardous to attempt to reach it. This house belonged to some dissolute women by the name of Hamby, and after Wade had fortified it, the name by which it was known was "Fort Hamby." "The exact number of men engaged in these depredations is unknown though it has been stated on good authority to have at no time exceeded thirty." (Hon. R. Z. Linney, Col. G. W. Flowers.)

Making this their headquarters, they began to plunder the surrounding country, and from their cruelty it appears that their object was to gratify a spirit of revenge as well as to enrich themselves. They marched as a well-drilled military force, armed with the best rifles. It was only a short time before they brought the citizens for many miles around in every direction under their dominion. They plundered the best citizens, subjecting men and women to the grossest insults. Their cruelty is shown by this act:





A woman was working in a field near Holman's Ford, having a child with her. The child climbed on the fence and the men began to shoot at it, and finally killed it. Emboldened by their success in Wilkes county, they made a raid into Caldwell county on the 7th of May. Major Harvey Bingham, with about half a dozen young men from Caldwell and Watauga counties, attempted to route these murderers from their stronghold at Fort Hamby. On Sunday night after their raid into Caldwell, Major Bingham made a well planned move on the fort, at a late hour of the night. For some reason, Wade and his men were not aware of the approach of Bingham's men until they had entered the house. Wade and his men announced their defenseless condition, and begged for their lives. No guns were seen, and they were, so Bingham believed, his prisoners. They gave Wade and his men time to dress, after which, at a moment when the captors were off their guard, they rushed to their guns, which were concealed about their beds, and opened fire on them. The result was that Clark, a son of General Clark, of Caldwell county, and Henley, from the same county, were killed. The others escaped, leaving the bodies of Clark and Henley.

Being encouraged by the failure to dislodge them, they began to enlarge the territory which they were to plunder. About a week previous to this, Simmons with his band had crossed into Alexander county and had made a raid on Col. McCurdy, a well-to-do planter.

About this time Mr. W. C. Green, of Alexander county, who had been a Lieutenant in the Confederate Army, received news from a friend in Wilkes county that Wade had planned to move into Alexander county and make a raid on his father, Rev. J. B. Green, and to kill him (W. C. Green) if found. Mr. Green began to fortify his house, barring all the doors with iron. They also took five negroes into their confidence and these promised to assist in defending the house against Wade. It was found out that



they had in the house fire-arms enough to shoot eighteen times without re-loading. Weapons were also provided for the negroes.

Wade started across the Brushy mountains on Saturday, May 13th, and reached Mr. Green's that evening about dark. Mr. W. C. Green saw a number of men stop their horses in the road above the house, and he concluded that they were Wade's men. He notified his father, and mustered the negroes in the dining hall. All the lights were extinguished through the moon was shining brightly. Mr. J. B. Green stationed himself at the front door, with a revolver in one hand and a dirk in the other. Mr. W. C. Green took his position at a window commanding a view of the front gate and porch. The negroes were stationed in the rear part of the house. Three men with guns approached the house in the front, one of them being Wade who had on a bright Confederate uniform which he always wore on his raids, posing as a Confederate soldier when necessary to gain admission into the houses he wished to plunder. The other members of the company took another route and surrounded the house from the rear, though this was not known at the time. Wade pretended that that they were confederate soldiers; that they had belonged to the cavalry and were now on their way home, having been detained on account of sickness. Mr. J. B. Green told him "he lied, that he knew who he was, and that he could not enter his house except over his dead body."

Some of the men had by this time come up from the rear and were trying to force an entrance. When this fact was made known to Mr. W. C. Green by one of the negroes, he rushed to the rear, knocked out a pane of glass and opened fire on them, wounding one of the men. This unexpected turn of affairs seemed to frighten them and they all began to retire. Mr. J. B. Green and Mr. W. C. Green rushed into the yard and opened fire on them as they retreated. Wade and his men at the same time returning





the fire. They retreated so rapidly that two of the men left their horses.

It was Sunday morning before the news was circulated. Mr. W. C. Green went to York Collegiate Institute and informed several men, and by 10 o'clock twenty-two men, almost all of them Confederate soldiers, had gathered, ready to pursue the robbers. In this party were several officers of the Confederate army and they were dressed in their uniforms. Col. Wash. Sharpe was placed in command of the squad and they started in pursuit. The first news from Wade was when they reached "Law's Gap." Here it was found that Wade had camped in the Brushy mountains part of the night after the attack on Mr. Green, and about sunrise the next morning had made a raid on Mr. Laws and forced him to give up his money. He informed the party that two of Wade's men were wounded. The pursuers followed the trail and found that five miles from Wilkesboro Wade's men had left the public road and had taken a shorter route by way of Hix's Mill and Holman's ford to Fort Hamby. The ford was reached in the evening of May 14th, and after crossing the river, and traveling along the public road for about half a mile, the pursuing party left the public road and followed a private road which led to a creek at the base of the hill on which the Hamby house stood. "In the plan of attack, part of the company under Col. G. W. Flowers was to approach from the north while the other part under Capt. Ellis, was to approach from the south, and then surround the house. In the enthusiasm of the moment all seemed to forget the danger. Col. Flowers' men had gotten within 75 yards, and Capt. Ellis' men within 20 yards of the house when its defenders poured a volley of minnie balls through the port holes." (Hon. R. Z. Linney.) James K. Linney and Jones Brown were killed. Linney had charged bravely across the field and was killed on the east side of the house; Brown was charging up the hill on the west side when he



was wounded. Some of the men were compelled to jump from their houses and throw themselves on the ground in order to escape being shot down. Their horses became frightened and breaking loose from them, ran to where Wade's men had their horses. Two of these horses were the ones captured from Wade at Mr. Green's. These men did not recover their horses at this time.

Under the severe fire the men were compelled to retreat. The force was now divided, part having fallen back across the creek, and part having reached the pines east of the building. There was no chance to re-unite, and after waiting until dark, the men withdrew, some reaching Moravian Falls that night. These met the others at "Squire" Hubbard's the next morning. In retreating under the severe fire from the fort, the men were compelled to leave the bodies of Linney and Brown. Wade's men afterwards buried them near the fort.

These men returned to Alexander county and raised a large company, a strong force having been brought from Iredell county under the command of Wallace Sharpe. On Wednesday the force started towards Fort Hamby. After crossing Cove's Gap, a courier was sent back to Iredell county to request Capt. Cowan to raise a company and come to their assistance; also, another courier was sent to Statesville to an encampment of Federal soldiers to inform them of the condition of things and to ask their assistance. Before reaching Moravian Falls, they received a message from Wade, saying, "Come on; I am looking for you; I can whip a thousand of you." It was dark when Holman's ford was reached. Some one in the woods before the company, ordered them to halt. The men thought that the order was from some of Wade's band and was about to fire upon them, when it was found out that this was a company from Caldwell county, under the command of Capt. Isaac Oxford, on the same mission. They had encamped near the ford and had thrown out their sentinels. The two





companies camped together that night, and the next morning marched up the river and crossed at a small ford. They came to the house of Mr. Talbert, who lived on the public road, and there they found a woman dying. She had been shot the day before by the men from the fort, while she and her husband were coming to the ford in a wagon, on the opposite side of the river from the fort—nearly a mile distant.

Mr. Talbert begged the men to return, telling them that Wade was expecting them, and had sent for re-enforcements. He told them that it was impossible to dislodge him, and to make an attempt and fail would make it worse for the people.

Capt. R. M. Sharpe, of Alexander county, assumed command of both companies, numbering several hundred men. W. R. Gweltney was sent with a small body of men to reach a high hill, overlooking a creek (Lenoir's Fork), and to remain there while all the others marched around to the north and east of the fort. Gwaltney's men were to be notified by the firing of a gun, when the main body had reached their position. One or two men were seen to escape from the fort before it could be surrounded. They were fired at but escaped. The supposition was that they had gone to get re-enforcements from the other band. The companies had left their encampment before day, and by daybreak the fort was surrounded, the men being placed about twenty steps apart. The soldiers kept up the fire on the fort during the day and night. Wade's men returning the fire, shooting with great accuracy. The soldiers were compelled to keep behind logs and trees, or out of range of the guns. It seemed impossible to take the fort. "Some of the bravest men were in favor of giving it up, while others said death was preferable to being run over by such devils." (Rev. W. R. Gwaltney.)

This state of affairs continued until the night of the 19th, when the lines were moved nearer up, and about 4



o'clock in the morning Wallace Sharpe, W. A. Daniel, M. W. Hill, and J. L. Millsaps crept from their posts to a crib where the robbers had tied their horses and untied them, after which they were led away. From the crib these men crept up to the kitchen. It was found that some of Wade's men had prepared breakfast, but were compelled to leave it. The kitchen was set on fire, and the flames soon reached the fortress. The fact that the building was on fire seemed to completely unnerve Wade's men. "What terms will you give us?" cried out Wade. "We will shoot you," replied Sharpe, from behind the burning kitchen.

It was now about daybreak, and some of the men surrounding the fort began to rush up. Wade made a rush towards the river, through a body of Caldwell men, who opened fire on him, but as it was yet a little dark, he escaped. Four men were captured, Beck, Church, Loock-wad, and one whose name cannot be ascertained. The flames which had caught the fort were extinguished, and in the house was found property of almost every description. Fine ladies' dresses and bonnets had been taken for the dissolute women who occupied the house. About twenty horses were found stabled near the fort. Some of the property was restored to the owners. The men who were captured plead for a trial according to the course and practice of the courts. They were informed that they would be disposed of as summarily as they had disposed of Clark, Henley, Brown and Linney. Stakes were put up, and on the way to the place of execution they were given time to pray. They knelt down to pray, but the prayer was "O, men, spare us." Wallace Sharpe replied: "Men, pray to Jesus. He alone can save you." Capt. Sharpe requested W. R. Gwaltney to pray, but he replied that he never felt so little like praying in his life. Capt. Isaac Oxford said, "If you will hold my gun I will pray;" but instead of praying for the men, he thanked God that they were to be





brought to justice and that none of the party had been killed. After this Rev. W. R. Gwaltney offered an earnest prayer for them, and then they were shot, "as nearly in strict conformity to military usage as these old Confederate soldiers, under the excitement of the occasion could conform to."

After the prisoners were shot, the fort was set on fire. When the flames reached the cellar, the firing of guns was like a hot skirmish. Wade's men had stored away a great many loaded guns, and a large quantity of ammunition.

Wade was seen in the vicinity several days after. He claimed to have been a major in Stoneman's command and a native of Michigan. He said that he had escaped to the Yadkin river from the fort and had hid under the banks until night; that in searching for him the soldiers had frequently come within six feet of him.

On the way back to Alexander county Capt. Cowan, from Iredell, was met with a small body of men on their way to Fort Hamby. Also a company of Federal troops, then stationed in Statesville, were met on their way to the fort. They were told what had been done. "The captain ordered three cheers, which the men gave with a good will." (Dr. W. C. Green.)

The bodies of Linney and Brown were brought back home for final burial.

Though all the desperadoes were not brought to justice, this completely broke up their depredations.

ROBT. L. FLOWERS.

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## THE ORIGIN AND DEVELOPMENT OF THE KU KLUX CLAN.

The most interesting epoch in the history of the South is that period from 1865 to 1870, known as the "Reconstruction Era." After the surrender at Appomattox our fathers returned to their homes and began to gather up the fragments of the social, civil and political wreck, in order to form them into institutions to suit their new conditions of life. The difficulties under which they labored were extreme. They had to contend, first, with their own prejudices as a proud, though conquered, people; second, the character of those agents of the United States government, who were, many of them, mere adventurers, without the best interests of the South at heart; third, the class of unprincipled men of our own country whom the fortunes of war had placed in power; fourth, the negro race, so recently slaves, now masters of themselves, and without the capability of using their liberty. Add to these the complete upheaval of society, in which some of its worst elements, for a time, floated upon the surface, also the passions of war and lawlessness still rampant in the hearts of men, and you will have some faint idea of the problems that confronted the Southern people.

It was during this period and under these circumstances that the Ku Klux Clan came into existence, spread from Texas to Virginia, and passed out of life, as it had come, shrouded in mystery. As a secret organization it kept its secret, despite the decrees of States, the investigating committee of Congress, and the torture of its individual members.

However much men may become educated, there is still something in their natures over which the wierd and the unknown wields a mysterious power, while over the ignorant and the lawless it is doubly potent. This movement was peculiar to the time and illustrates this power of the silent and the mysterious. It also illustrates how men





may, by the instruments of their own creation, be borne into lines of action wholly foreign to their first intentions.

“The popular idea supposes the Ku Klux movement to have been conceived in malice, and nursed by prejudice and hate, for lawlessness, rapine and murder.” Many of the incidents which occurred during that dark period confirm this view. (Mr. Tourgee’s book treating of this period, and many of the chapters in “Three Decades of Federal Legislation.” by Sunset Cox, strenuously uphold this idea of the Ku Klux organization). The object of this paper is to get at the real facts, and by them arrive at a true estimate of the character and objects of this celebrated organization.

Pulaski, Tennessee, a town of about three thousand inhabitants, was the birthplace of the “Ku Klux Clan.” It is the county seat of Giles, one of the southern counties of Middle Tennessee, and is situated on the Louisville, Nashville and Great Southern R. R., almost directly south of Nashville. Before the war its people were cultured and wealthy. The war destroyed their wealth, but their culture is retained, and it is a town of schools and churches. Its inhabitants show none of those traits which the popular idea would ascribe to the people among whom the Ku Klux originated. “There, in 1866, the name of Ku Klux first fell from human lips.” This organization was the result of the peculiar social, civil and political condition of the South from the close of the war to 1869.

After the struggle was over, the young men of Pulaski, like many other Southern men, passed through a period of inactivity. Business habits were broken up; few had the capital to enter at once upon agricultural or commercial pursuits. There were no amusements or social recreations to relieve the intense reaction which followed the exciting scenes of war. In May, 1866, a few of these young men happened to be together in the office of one of the leading members of the Pulaski bar. Sometime in the evening



during the conversation one of them remarked: "Boys, let us get up a club or society of some description." A lively discussion followed, and before separating they agreed to invite some others, and to meet again in the same place. On the following evening eight or ten young men assembled and effected a temporary organization by the election of a chairman and secretary. The members were all agreed as to the objects of the organization, which were diversion and amusement. They spent the evening in discussing the best methods of attaining these ends. They also appointed two committees, one to select a name, and the other to draw up the rules for the society, and to form the ritual for the initiation of new members. The club then adjourned to meet the following week.

Mr. Tourgee ridicules the idea of amusement connected with this movement, and cites the pride and dignity of the Southern men. He speaks of them as suddenly becoming a "race of jesters, moonlight masqueraders and personators of the dead. It was a funny thing," he says, "for the gravest, most saturnine and self-conscious people on the globe to make themselves ridiculous, ghostly masqueraders by the hundred thousand." He, as well as many others, was laboring under a mistake as to the number of the Ku Klux, nor does he take into account the factors which afterward entered into the organization. He did not understand the character of the movement, nor did he realize that there was a great and noble purpose behind those fantastic gowns. As for his opinions of the Southern people, his views are extremely prejudiced.

During the week following the last meeting, a prominent citizen of Pulaski went to Columbus, Miss., on business, taking his family with him. He invited one of the leading spirits of the movement to take care of and sleep at his house. This young man invited the club to meet with him there, which they did; and the owner, who outlived the Ku Klux Clan, never knew that his house had been their





meeting place. The house afterward came into the hands of Judge H. M. Spofford, and is still the home of his widow.

The committee appointed to select a name had some difficulty in deciding upon one which would represent the character and objects of the society. Among those presented for consideration was that of "Kukloi," from the Greek word Kuklos, meaning a band or circle, whereupon some one exclaimed, call it Ku Klux. Clan was afterwards added to complete the alliteration. Thus, instead of their first intention, they had chosen a name meaningless to themselves as to every one else. It is true that Shakespeare says, "What's in a name? that which we call a rose by any other name would smell as sweet," but it is doubtful if the organization would have ever reached such large proportions and wielded so great a power had it been called by some commonplace name, signifying its character and objects. Strange as it may seem, the members themselves were the first to feel its wierd effect, and began to shape their plans in harmony with the name they had chosen.

Amusement was still their object, but now it was to be sought by means of secrecy and mystery; so, when the committee on rules reported, the plan was modified accordingly. These are the officers of the plan finally adopted: "A Grand Cyclops, or President; a Grand Magi, or Vice-President; a Grand Turk, or Marshal; a Grand Exchequer, or Treasurer, and two Lictors." The latter were the sentinels of the "Den," as they called their place of meeting.

The obligation for membership was to maintain profound secrecy with reference to the order and everything pertaining to it. They were not allowed to tell that they were Ku Klux, nor were they allowed to disclose the name of any member. It was against the constitution to invite any one to join the order. However, a member might say to some desirable man, "I am going to join the Ku Klux."





If the person expressed a desire to do likewise the member would say: "Well, I think I know how to get in. Meet me at such a place, on such a night, at such an hour, and we will join together."

"Each member was required to provide himself with the following outfit: A white mask for the face, with holes for the eyes and nose; a tall fantastic cardboard hat so constructed as to increase the wearer's apparent height; a gown or robe of sufficient length to cover the entire person." As to color and style, each used his individual taste in selecting the most hideous and grotesque patterns. Each member carried a small whistle, by which they communicated with each other according to a selected code of signals. Such preparations bear the stamp of amusement and pranks and not of deviltry. Some may wonder where the fun came in. First, in arousing curiosity and then in baffling it; second, in the initiation of members.

The initiations at first took place in the law office, but it was small and situated in the business part of the town, and there was much danger of interruption from outsiders. However, the members soon found a more suitable place for their meetings. On a ridge west of the town there once stood a large mansion, with a brick front or main building, and an "L" built of wood. In December, 1865, a cyclone destroyed the main building, leaving the "L" standing. It consisted of three rooms, from one of which a stairway led to a large cellar beneath. This they selected as their "den," and a ghostly place it must have been; a lonely wind-swept ridge, with the trees uprooted and torn by the storm, standing like gaunt spectres of death overlooking the dark, deserted cellar.

When a meeting was held one Lictor was stationed in front of the house and the other about fifty yards on the road coming out from Pulaski. Each of them, dressed in their fantastic robes, bore a great spear as the badge of their office.



When a candidate was to be initiated, he and the member approached the first Lictor, who, after asking some questions, blew his whistle for the other to come and take charge of the novices. The candidate was then blindfolded, under the impression that his companion was treated likewise. He was then led around through the three rooms and down into the cellar, different objects being placed before him from time to time, which added, at least, to his discomfort. The obligation of secrecy was then administered, and a series of more or less absurd questions was asked. After this the Grand Cyclops commanded: "Place him before the royal altar and adorn his head with the regal crown." The "royal altar" was a looking-glass. The "regal crown" was a huge hat, bedecked with two enormous donkey ears. "In this headgear the candidate was placed before the mirror and directed to repeat the couplet:"

"O wad some power the giftie gie us  
To see oursels as ithers see us."

As he uttered the last words the Grand Turk removed the bandage from his eyes, and he beheld his own ludicrous image in the glass. This was a signal for all the members to engage in shouts of laughter.

In the early history of the order they were very careful about the character of those initiated, as a single unreliable man could have spoiled all the fun by divulging their secrets. Some of their methods in disposing of undesirable candidates are amusing. In one instance they had the candidate to meet them on top of a long slope, just back of the town. Without being blindfolded, he was led before the Grand Cyclops, who, being mounted on a stump so that his robe concealed it, appeared fully ten feet tall. After asking him some questions, the Grand Cyclops ordered the Lictors to blindfold the candidate and proceed; whereupon they proceeded to put him into a large barrel and to start the barrel rolling down the hill.





These details show the early character of the organization, and that its originators had no idea of lawlessness, or of the powerful character it afterwards assumed.

During the months of July and August, 1866, the Ku Klux mystery was the topic of the day in and around Pulaski. Newspapers and excited tongues scattered the news abroad over the country, so that, about the time all the eligible material in the town was used up, young men from the country, impelled by curiosity, came to join the order. These soon asked permission to establish "dens" in the country, which, although no provision had been made for it, was granted. Thus "dens" were established in the surrounding country with various modifications of the Ritual, but with the same injunction of secrecy, mystery, and the character of the men admitted.

During the latter part of the year 1866 the Clan spread rapidly. A stranger, visiting one of the "infected" regions, would be initiated, and return home with permission to establish a "den" in his own neighborhood. Under this method of organization, the links between the various Clans were not very strong; but, by a sort of common agreement, the Grand Cyclops of the Pulaski "den" was considered the head of the order. So far, there was no need of strong organization, as amusement was still the chief end in view. The members enjoyed the wild speculations of the mystified public even more than the rough sport of initiating candidates.

Such is the history of the Ku Klux Clan from June, 1866, to April, 1867; but during all this time it had been gradually taking on new features, which finally transformed it into a band of "Regulators." The transformation was brought about by several causes: "(1) The impression made by the order upon the minds of those who united with it; (2) the impression made upon the public by its wierd and mysterious methods; (3) the anomalous and peculiar condition of affairs in the South at that time."





The popular idea was that the order had a great mission in view, and, with this idea, many sought connection with it, and after initiation this conviction was deepened rather than dissipated by the sport. Though there was nothing in the ritual to indicate it, the high-sounding titles, the wonderful dress and the formidable obligation seemed to indicate more than mere sport.

The second cause of the transformation was the impression of the Clan upon the public. At first there were many travelers along the road by the deserted house upon the hill. These generally passed the grim and ghostly Lictor in silence and as hurriedly as possible. Sometimes one would ask, "Who are you?" "In awful sepulchral tones, the invariable answer was, 'A spirit from the other world. I was killed at Chicamauga.'" An answer like this, amid such surroundings, with the "den" in the distance, from which issued such strange, unearthly sounds, was calculated to inspire fear, especially if the person was a superstitious negro. Such incidents as this, both in the town and country, soon gave rise to innumerable stories, which soon had their effect upon the public. Night travel in Ku Klux localities ceased, and the negroes were especially quiet wherever the Ku Klux made their appearance. In this way the members came to realize the wonderful power of their methods over the minds of men. They soon saw, also, how much good might be done among certain classes for the welfare of the country and the protection of property.

The most powerful of the causes of transformation was the condition of the South, because it furnished the foundation for the other two. Few have realized fully the peculiar state of affairs at the South during this period. The world has passed sentence upon the South and upon the Ku Klux, without considering the circumstances by which they were surrounded. There were two causes of trouble and vexation which the people were not in a mood



to tolerate, one of which was a class of unprincipled men whom the great upheaval had cast upon the surface of society. Not simply because they were Union men, as Mr. Tourgee would have us believe, but because they were traitors to both sides, and sought only their own ends, were they hated. They strove to keep alive the hatred and bitterness between the factions, in order that they might remain in power. Their effect upon the social, civil and political institutions of the South was disastrous in the extreme.

Another class was that of the newly freed negroes. Suddenly passing from slaves to citizens, they mistook liberty for license, and were totally incapable of using their liberty in the right way. The negro looked upon liberty as freeing him, not only from his master, but from the laws made by his master. The Union League was also a very important factor as furnishing a means of uniting the negroes under the leadership of bad white men.

Civil law was very partially executed, and there was an amount of lawlessness hitherto unknown in the South. "Under their fear of the dreaded Ku Klux, the negroes made more progress in a few months in the needed lessons of self-control, industry, respect for the rights of property and general good behavior, than they would have done in as many years, but for this or some equally powerful impulse."

Up to the beginning of the year 1867, the performances of the Ku Klux were mostly within the bounds of reason. but in some cases they had overstepped those bounds. Bad men had gotten into the organization, and, in order to control them, it became imperatively necessary to organize the Clan on a more thorough basis, so as to remedy the evils which had crept into the order. With this object in view, the Grand Cyclops of the Pulaski "den" sent out a request for all the "dens" to send delegates to a convention to be held in Nashville early in the summer of 1867.





The convention met and adopted a plan of organization, which, but for one source of weakness, made this "one of the most perfectly organized orders that ever existed in the world."

The whole territory covered by the Clan was called the "Invisible Empire." This was divided into "realms," corresponding to the States. The realms were divided into "dominions" coterminous with the counties, and the dominions into "dens." Officers were assigned to each department, and, except the supreme officer, their duties were minutely specified. These officers were as follows: "The Grand Wizard of the Invisible Empire and his ten Genii; the Grand Dragon of the Realm and his eight Hydras; the Grand Titan of the Dominion and his six Furies; the Grand Cyclops of the Den and his two Night Hawks; a Grand Monk; a Grand Scribe; a Grand Exchequer; a Grank Turk and a Grand Sentinel."

The most important action taken by the Nashville convention was the declaration of the principles of the order, which was as follows: "We recognize our relations to the United States government; the supremacy of the constitution; the constitutional laws thereof; and the union of the States thereunder." If these men were banded together for the overthrow of all law and government, this is indeed a strange declaration, for it was not meant for general circulation or for its effect. We must accept it as a declaration of their political relations to the government of the land.

This convention also defined the objects of the order, which were as follows:

(1.) "To protect the weak, the innocent, and the defenceless, from the indignities, wrongs and outrages of the lawless, the violent and the brutal; to relieve the injured and the oppressed; to succor the suffering, and especially the widows and orphans of Confederate soldiers.

(2.) "To protect and defend the Constitution of the Unit-





ed States, and all laws passed in conformity thereto, and to protect the states and people thereof from all invasion from any source whatever.

(3.) "To aid and assist in the execution of all constitutional laws, and to protect the people from unlawful seizure, and from trial except by their peers in conformity to the laws of the land,"

This last declaration was the result of the infamous legislation and the more infamous execution of law in the South during that period. Those familiar with the history of our state will acknowledge the great need for some such organization, with just such purpose as the above, during the days when Kirk and his men were part of the executive department of the State. Whatever history may say, the Ku Klux was almost a necessity at the South during the reconstruction for the protection of life, liberty and the rights of prosperity.

As before stated the main object of the Nashville convention was to secure a better control of their own members, so as to prevent outrages credited, whether rightly or not, to the Ku Klux.

Their great object now was to carry out their role of Regulators within the limits of law and order. Their methods were to remain the same. Secrecy and mystery were to be the instruments for securing law and order among the lawless and the ignorant. Steps were taken to deepen the powerful impressions already made on the public. Every device was used to play upon the fears of the superstitious. Therefore the Grand Dragon of the State of Tennessee sent out an order to the chief officers of the 'provinces' for a general parade in the streets of the chief town in each province on the night of July 4, 1867. (The account of this parade in the town of Pulaski will describe them all.)

On the morning of the appointed day, July 4, 1867, the citizens of Pulaski found slips of paper scattered along their sidewalks with the following words printed on them: "The



Ku Klux will parade the streets to-night." This announcement created the wildest excitement. The long pent-up curiosity of the people was to be satisfied. They would, at least, find out who the Ku Klux were. Many people came in from the country to witness the parade. The Ku Klux also started to the town. Having carefully concealed their paraphernalia, they traveled in squads of three or four, and, if questioned, they answered that they were going to Pultaski to see the parade. After dark they assembled, by previous agreement, at four points near the four main roads leading into the town, and put on their disguises and robes. Their horses were also disguised in flashy colored cloth. A sky-rocket sent up was the signal to move. "The different companies met and passed each other in the public square in perfect silence; the discipline appeared perfect. Not a word was spoken. Orders were given by means of the whistles. In single-file, in death-like stillness, with funeral slowness they marched and counter-marched throughout the town." By marching in unbroken circles up one street and down another they created the impression of vast numbers. This was kept up for two hours, and the Ku Klux departed as silently as they came, "The public were more mystified than ever, curiosity had not been satisfied." It had found out absolutely nothing.

One of the principal illusions growing out of this parade was the impression of numbers. The coolest judgments placed it at three thousand, while some went up to ten thousand; when in fact there were only four hundred men in this parade. This has been a common mistake. Gen. Forrest before the investigating committee, placed the number of Ku Klux in the South at 550,000, which must be a mistake, as it is hardly probable that the whole male population of the South were Ku Klux, or that a majority of them knew anything about the order, except from common report.

Some of the devices resorted to by the Ku Klux for ter-





rifying the negroes and others were unique. During the parade at Pulaski, as it was passing a corner where a negro was standing, one of the horsemen, dressed in a hideous garb, dismounted and stretched out his bridal rein to the negro as if he wished him to hold his horse. The frightened darky held out his hand to receive it, and, as he did so, the Ku Klux took off his own head, apparently, and offered to place that also in the extended hand. "The negro stood not upon the order of his going but departed with a yell of terror." Another trick was for a ghostly looking horseman to stop before the cabin of some negro needing a wholesome lesson, and ask for a drink of water. If a gourd or dipper was brought it was declined, and a bucket of water demanded. Then, as if burning with thirst, the Ku Klux would press the bucket to his lips until the last drop was drained into an oiled sack concealed beneath his robe. He then returned the empty bucket with the remark, "That's good. It is the first drink of water I have had since I was killed at Shiloh." This, with a few words of admonition as to future conduct, made an impression not soon forgotten by the superstitious darky.

We now come to a second transformation of the Ku Klux; this time from a band of "Regulators" to a combination of desperate men struggling for life and honor against the worst elements of their own order, and against circumstances growing out of their own methods. The causes of this transformation may be classed under three heads: (1.) "Unjust charges. (2.) Misapprehension of the nature and objects of the order on the part of those not members of it. (3.) Unwise and over severe legislation."

What had been their strength become now their weakness. Outsiders and even members themselves made use of their methods of secrecy to practice deception upon other people and upon the Clan itself. Bad men made use of the disguise to perpetrate deeds of violence for personal reasons, and the odium fell upon the Ku Klux. These





men did not do these things under orders of the Clan, nor in connection with it.

The very class whom the Clan was trying to keep in order made use of its methods to commit outrages which were credited to the Clan. These men always declared themselves to be Ku Klux, *which members of the Clan never did*. In every case they proved to be negroes or “radical” supporters of the carpet bagger governments. “No single instance occurred of the arrest of a masked man who proved to be—when stripped of his disguise—a Ku Klux.” (See testimony of Gen. Gordon and others before the Investigation Committee.)

However, the Clan was credited with all the disorders in the country, because the disguises which it had invented were used, and it had no way of clearing itself of the accusations. It had sought to clothe itself in mystery, and, as a consequence, people misunderstood its objects. They did not realize the great end it had in view. After the awe of the ignorant and lawless had subsided, hatred of the Clan took its place. The negroes organized and went armed for the purpose of exterminating the Ku Klux, and on several occasions the Clan was fired into. This brought on the vengeance of the Clan, and so it went on, each side believing it was right and the other wrong. This misunderstanding is well brought out in the following order issued by the Grand Dragon of Tennessee, in the fall of 1868:

HEADQUARTERS REALM No. 1,     )  
DREADFUL ERA, BLACK EPOCH,    )  
DREADFUL HOUR.                 )

*General Order No. 1.*

WHEREAS, information of an authentic character has reached these headquarters that the blacks in the counties of Marshall, Maury, Giles and Lawrence are organized into military companies, with the avowed purposes to make war upon and exterminate the Ku Klux Clan; said blacks are



hereby solemnly warned and ordered to desist from further action in such organizations, if they exist.

The Grand Dragon regrets the necessity of such an order. But this Clan shall not be outraged and interfered with by lawless negroes and meaner white men, who do not and never have understood our purposes.

In the first place this Clan is not an institution of violence, lawlessness and cruelty; it is not lawless; it is not aggressive; it is not military; it is not revolutionary.

It is essentially, originally and inherently a protective organization. It proposes to execute law instead of resisting it; and to protect all good men, whether white or black, from the outrages and atrocities of bad men of both colors, who have been for the past three years a terror to society, and an injury to us all.

The blacks seem to be impressed with the belief that this Clan is especially their enemy. We are not the enemy of the blacks, as long as they behave themselves, make no threats upon us, and do not attack or interfere with us. But if they make war upon us they must abide the awful retribution that will follow.

This Clan, while in its peaceful movements, and disturbing no one, has been fired into three times. This will not be endured any longer; and if it occurs again, and the parties be discovered, a remorseless vengeance will be wreaked upon them.

We reiterate that we are for peace and law and order. No man, white or black, shall be molested for his political sentiments. This Clan is not a political party; it is not a military party; it is a protective organization, and will never use violence except in resisting violence.

Outrages have been perpetrated by irresponsible parties in the name of this Clan. Should such parties be apprehended, they will be dealt with in a manner to insure us future exemption from such imposition. These impostors have, in some instances, whipped negroes. This is wrong!





wrong! It is denounced by this Clan, as it must be by all good and humane men.

The Clan now, as in the past, is prohibited from doing such things. We are striving to protect all good, peaceful, well-disposed and law-abiding men, whether white or black.

The Grand Dragon deems this order due to the public, due to the Clan, and due to those who are misguided and misinformed. We, therefore, request that all newspapers who are friendly to law and peace and the public welfare, will publish the same. By order of

THE GRAND DRAGON OF REALM No. 1.

By the Grand Scribe.

Matters continued to grow from bad to worse, until it became necessary for the government to interfere, and we have the famous "Anti-Ku Klux law," passed in Tennessee in 1868. This law was severe in the extreme. The following are some of its principle features:

- (1.) "It was *ex post facto*.
- (2.) "It presented no way in which a man could relieve himself of liability to it, except by turning informer, and, as an inducement to do this, a large bribe was offered.
- (3.) It encouraged strife by making every inhabitant of the State an officer extraordinary, with power "to arrest without process," when he had ground to suspect.
- (4.) It emphasized loyalty to the government, which meant simply to become a subservient tool; such men as Gov. Brownlow, Gov. Holden and their tribe.
- (5.) While the law professed to be aimed at suppression of all lawlessness, it was not so construed and enforced by the party in power. No attempt was made to suppress the "Union" or "Loyal League," which met often and was as lawless as the Ku Klux.

Many of the States passed laws making it easy to secure military rule in any section, which in many cases was done,





and a perfect reign of terror followed. The Ku Klux felt themselves outlawed without an opportunity of defending themselves openly, and hence some of their rashest actions. But be it said to their honor, they bore it more patiently than would have been expected under the circumstances.

Early in the year 1869 it was decided best for the Clan to disband, and a proclamation was issued from the "Grand Wizard of the Empire to his subjects." This proclamation stated the legislation against the Ku Klux, and declared that the order had now accomplished the greater part of the objects for which it had existed. "At a time when the civil law afforded inadequate protection to life and property; when robbery and lawlessness of every description were unrebuked; when all the better elements of society were in constant dread for the safety of their property, persons and families, the Clan had afforded protection and security to many firesides, and in many ways contributed to the public welfare. But greatly to the regret of all good citizens, some members of the Clan had violated positive orders; others, under the name and disguises of the organization, had assumed to do acts of violence, for which the Clan was held responsible."

Members were directed to destroy all the paraphernalia of the order, and were counseled to uphold the law, and aid all good citizens, in the future, as in the past.

The proclamation of disbandment was issued to all the Realms, Dominions, and Dens of the Invisible Empire. But, as the newspapers were forbidden to publish anything from the Ku Klux, and the Dens were scattered over many states, this proclamation was long in reaching some of them. In this state there were many deeds attributed to the Ku Klux long after the proclamation of disbandment, but the order had no organized existence after March, 1869.

"Thus lived, so died, this strange order. Its birth was an accident; its growth a comedy; its death a tragedy. It owed its existence wholly to the anomalous condition of



social and civil affairs in the South during the years immediately succeeding the unfortunate contest in which so many brave men in blue and gray fell, martyrs to their convictions.”

SANDERS DENT.

NOTE.—In the preparation of this paper I have referred freely to “The Ku Klux Klan” by J. C. Lester and D. L. Wilson.

S. S. D.

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### RALEIGH'S “NEW FORT IN VIRGINIA”\*—1585.

Our many centennial celebrations within the past score of years, culminating in the glories of the 400th anniversary of the voyage of Columbus, have awakened a widespread interest in early American history, and in all the incidents connected with the Genesis of the United States. Patriotic associations, both of men and women, have sprung up throughout the country, whose aim is to encourage research among our annals, and to cherish a spirit of reverence for our historic past. Many, too, are looking anxiously at the possible effect upon our institutions and national character of the dangerous experiment of absorbing into the body politic the heterogeneous elements of all Europe; and the tendency of this trend of thought and study is to emphasize anew the fact of our Anglican origin, and to bring home to us vividly the truth that we owe what we are as a nation to our English blood and traditions.

Monuments have been erected to mark various historic spots, and now on the coast of California, where in 1579 anchored the fleet of Sir Francis Drake, in his memorable circumnavigation of the globe—(the next after that of Magellan)—and where his chaplain, Francis Fletcher, held the Anglican service on the shore for the crews and the savage natives—there is rising a large stone cross—a con-

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\*The quotations in the text, unless otherwise stated, are from *Hakluyt's Voyages*, Vol. III. For a discussion of the fate of the lost colony, see an article by Prof. S. B. Weeks of Trinity College, North Carolina, in the papers of the *American Historical Society*, Vol. V.





spicuous landmark as seen from the ocean in bold relief against the sky on a high rocky cliff—which will ever stand as a silent but eloquent memorial of the first American rites of the national church of that people who were destined to be the masters of this great continent.

To me it seemed of supreme importance to rescue from oblivion the sacred place where our fathers first worshiped God on the Atlantic coast, where they made the first English homes in the New World, and where was the cradle of our civilization. It is on North Carolina soil, and will you not uphold my hands in the good work? A small sum will secure possession of the precious site, and we can hand it down as a priceless heirloom to our children.

Let us read together the pathetic old story of romantic adventure, of manly fortitude, of disaster and death, prefacing it with the striking prediction of one of the early navigators:

“It seemeth probable that the countreys lying North of Florida, God hath reserved to be reduced unto Christian civility by the *English* nation.”

This prophecy was made when Spain still claimed our whole coast under the decree of the Borgia Pope, when France had established herself in the North, and England had as yet no foothold on the continent. It is the utterance of one who describes himself as “Mr. Edward Haies, gentleman, and principal actour in the voyage attempted in the yeere of our Lord 1583, by Sir Humphrey Gilbert, knight, and who alone continued unto the end, and by God’s speciall assistance returned home with his retinue safe and entire.”

Hayes’ picturesque narrative of Gilbert’s ill-starred voyage forms one of the earliest pages in the history of English colonization.

Till the close of the fifteenth century Italy was the most advanced and enlightened of the States of Europe, the chief



seat of the arts and sciences; and as mistress of the Mediterranean it was natural that she should give birth to the first great navigators and explorers. Her sons had penetrated the unknown regions of Asia and Africa; they led the way to all the great discoveries, and Marco Polo, John Cabot, Columbus and Amerigo Vespucci are only the most illustrious among many adventurers. But when a new world had been found, when the Atlantic superseded the Mediterranean as the great sea of commerce, then the work of the Italian students and scientists is done, and it is the Spaniard and the Englishman who reap the fruit of the discoveries.

Strange freak of fortune that the genius and enterprise of her sons were to deprive Italy of her maritime supremacy; that Venice and Genoa, the queen-cities of mediæval commerce, should be discrowned by the immortal exploits of their own children!

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The coast of North Carolina is a long, narrow chain of sand-hills, locally called the Banks, separating the ocean from the broad, shallow bodies of water, Pamlico and Albemarle sounds, which are the estuaries of the Neuse and Roanoke and other great rivers of the state. At irregular intervals the line of the Banks is broken by narrow and ever-shifting inlets, through which flow the ocean tides, turning the inner waters into vast salt lakes, very rich in all varieties of sea products.

Within this breastwork of barren downs are few islands; but there is one of supreme importance in the history of the Anglo-Saxon race in America. Roanoke island, about twenty miles long by three in width, lies between Roanoke and Croatan sounds, the shallow waters which connect Pamlico and Albemarle, and is two miles from the Banks, and thrice that distance from the mainland. Here was established the first English colony; here was born the first





white American; here was celebrated the first Christian rite within the limits of the Thirteen Colonies. It is the starting point of events as pregnant with great results in the wonderful history of our race, as was the landing of our forefathers on the shores of Kent, when they migrated from their Holstein homes more than a thousand years before.

Yet, interesting and important as is the spot, how little is known of it by the great majority of Americans, or of this first endeavor to plant the sturdy English stock in the soil of the new world! We are familiar with the bloody atrocities amid which St. Augustine was founded; we are versed in the story of John Smith's adventures at Jamestown, and of the arrival of the Mayflower at Plymouth; but this early attempt at English colonization, with all its romantic incidents, has been allowed to sink almost into oblivion. It is not from lack of historical materials, for they are very abundant. While of the explorations of the Cabots we have no account from any one who took part in their voyages, the story of Roanoke has been fully told by Barlowe, Lane, Hariot, and White, leaders in the several expeditions. These precious documents, together with water-colored illustrations of the new country, have all been preserved, and no tale of adventure is fuller of picturesque incident and romantic interest.

The colony bears the name of one of the most remarkable men in a very remarkable age—Raleigh, the cavalier, statesmen, philosopher, historian, poet, mariner, explorer, hero, martyr—

“The courtier's, scholar's, soldier's eye, tongue, sword.”

No character in legend or history is more brilliant or versatile. The period too, is the most interesting period in the life of the English people. “The spacious time of great Elizabeth,” crowded with great deeds, and filled with “those melodious bursts that echo still.” There were intellectual giants in those grand days, and through all





classes of the people ran an enthusiasm of adventure and decay, just as the spirit of the Crusades had at one time thrilled through all Europe. Bacon and Shakespeare were budding into manhood; Sidney had written the *Arcadia* and *Defense of Poesie*, and was about to find his apotheosis on the field of Zutphen; while Spencer was dreaming of the land of Faery, among "the green alders by the Mulla's shore." Frobisher had made his Arctic explorations, and Drake had returned to amaze all England with his story of the circumnavigation of the globe.

The saving cruelties of Alva, and the massacre of St. Bartholomew, had kindled religious animosity into a fierce flame. The Prince of Orange was about to fall under the assassin's knife, and plots were thickening about the fair head of Mary Stuart, which were to bring her to the scaffold. The Renaissance and the Reformation had broken the shackles of the intellect, and widened the horizon of thought; while the great discoveries had opened new fields for the display of human energy. Men were giving up speculations about the heavenly world, which had absorbed the intellectual activities of the middle ages, and were turning to the practical conquest of a world beyond the seas. England and Protestantism were gathering their forces for the last great struggle with Spain and the Latin church, for supremacy in the old world, and for mastery in the new.

The English claim to North America, from Newfoundland to Florida, was based upon the discoveries of John and Sebastian Cabot, made under the authority of a patent granted to them by Henry VII, in March, 1496, the oldest American State paper of England. It empowered them to look for and discover new lands "of infidels and pagans whatever, and wherever situated, which before that time had been unknown to all Christians." Strachey, writing of Virginia in 1618, says: "The King of Spaine hath no collour of title to this place. King Henry VII gave his



letters pattents unto John Cabot, a Venetian indenized his subject, and to his three sonnes, who discovered for the King the North part of America, and annexed to the crowne of England all that great tract of land stretching from the Cape of Florida unto those parts, mayne and islands, which we call the New-found-land."

John Cabot had come from Italy to England about 1468, and settled in a suburb of Bristol, then, as now, called Cathay, from its trade with the East Indies, and here his son Sebastian was born. After the Norse Vikings no European until the Cabots had set foot on this continent. Sailing in an English ship manned chiefly with English seamen, they reached the American coast at Prima-Vista, First-seen-land, now Cape Breton, on 24th June, 1497, before either Columbus or Amerigo Vespucci had discovered the mainland. They planted a cross upon the shore, and the meteor flag of England is the first that was unfurled on the continent. Coasting for many leagues along what came to be called La Tierra de las Baccalaos, or Cod-fish-land, later Labrador, which they thought to be the territory of the Grand Khan in Asia, they returned to England at the end of summer, and Henry, swayed possibly by his unkingly passion of avarice, gave *ten pounds* to the adventurers who presented him with a new world!

Cabot is one of the great historic names over which the caprice of Fate has striven to draw the curtain of oblivion. While the name of Columbus is rightly found everywhere in America, and that of Vespucci—who first crossed the Atlantic when Sebastian Cabot was making his third voyage from England—has been given to the whole Western hemisphere, no river or mountain, bay or promontory bears the name of Cabot. Yet a recent writer, Brownson, on contrasting the results to the world of the English and Spanish explorations, says: "Columbus and Cabot looked for a land of gold and spices. Columbus found the lands rich in precious metals, and the result there have been four





centuries of cruelty, slavery, and oppression, of despotism and anarchy. Cabot found a land whose only wealth was in the codfish that swarmed on its coasts; but that land became the cradle of liberty and justice, of resistance to tyranny and oppression, the refuge of the down-trodden and enslaved of every clime. The world, humanity, is better, nobler, happier, for the discovery made by Cabot; has any real benefit to mankind resulted from the lands south of us?"

The fame of the elder Cabot—whom we Anglo-Americans should learn to reverence—has been obscured by the greater glory of his son. English born and bred, Sebastian Cabot, on the death of his father, became the leader of the expedition of 1498, which was a scheme of colonization. By way of Iceland he reached the shores of Labrador, and coasted as far South as Cape Charles or Hatteras, whence from want of provisions he returned to Europe. In 1516 he discovered Hudson's Bay for England, but through the greater part of the troublous reign of Henry VIII, he was in the service of Spain, and explored for her the great Rio de la Plata in South America. Returning to England he was pensioned and honoured by Edward VI. Now an old man, his restless activity was unabated, and the English voyages in the middle of the sixteenth century were due to Cabot's initiative.

In his fatal expedition to the Arctic seas in 1553, Sir Hugh Willoughby took with him Cabot's instructions for the voyage, which are most interesting as showing alike his wisdom and skill in seamanship, and his deeply religious character. In them the mariner's log-book is first instituted, and minute directions are given with regard to every detail of the art of navigation. The morning and evening prayer of the Church of England are ordered to be read on every ship daily, and the sailors are enjoined always to act "for dutie and conscience sake towards God, under whose mercifull hand navigants above all other creatures naturally bee most nigh and nicine."



Sebastian Cabot died probably in 1557—that lurid epoch when the Protestant martyrs were perishing at the stake—but his place of death and his grave are unknown. England (as Tardneci says) “had no time to remember or mark the sepulchre of the man to whose (powerful) initiative she owes the wealth and power which have placed her among the foremost nations of the world.” “Her claims in the New World have uniformly rested on his discoveries. The English language might be spoken in no part of America but for Sebastian Cabot. The commerce of England and her Navy have been deeply his debtors. Yet his birth-place has been denied and his fame has been obscured. He gave a continent to England; yet no one can point to the few feet of earth she has allowed him in return.”

I have dwelt at some length on these earliest efforts at English colonization, because they are so generally overlooked and neglected, and because the story of them enforces any point of the exclusively English origin of our civilization.

After Cabot's discovery of the North American Continent, and his taking possession of it for the crown of England, no important expeditions were undertaken for more than half a century. In the reign of Henry VIII all the energies of the nation were absorbed in the great problems of Church and State then pressing for solution, nor could the king attempt any conquests in the New World without a rupture with his ally, the Spanish monarch. On the accession of his son, Edward VI, the spirit of maritime adventure revived, but he was on his death-bed when the expedition of Willoughby set sail, and no such enterprise was practicable in the reign of Mary, the slave of Spain and of Rome. But with Elizabeth on the throne, and the Reformation triumphant, all great designs seemed possible. The earliest attempt at colonization in his reign was made in 1578, by Sir Humphrey Gilbert, and to the initiative of these two men the Anglicizing of this continent is due. The





settlement of Jamestown and the establishment of the Puritans at Plymouth were only the last successful steps in a long series of great adventures. New England was founded by pursuing the path marked out by Gilbert, and Virginia by following that of Raleigh; the enterprises of these two great men—*par nobile fratrum*—are the true beginnings of tAnglo-American history. Raleigh was already conspicuous as a *preux chevalier* and champion of Protestantism. He had set before himself as the one great aim in life the humiliation of Spain, and the weakening of the power of the Latin race and religion. At the early age of seventeen he left the University of Oxford to join a band of a hundred volunteers, who went to the aid of Coligny and the Huguenots—“a gallant company, nobly mounted and accoutred, and bearing for a motto on their standard, ‘Let valor decide the contest.’” France was then aflame with the reports of the massacre of the Huguenots in Florida, and the idea germinated in Raleigh’s mind that a moral blow might be dealt to the enemy beyond the seas. From the service of Coligny he passed to that of William the Silent, and all the while was growing in him the conviction (which he expressed later in life,) that the possession of America would decide the question of the supremacy of Spain or England. “For whatsoever Prince shall possess it,” wrote he, “shall bee greatest, and if the king of Spayne enjoy it, he will become irresistible. I trust in God that he which is Lorde of Lords, will put it into her heart which is Lady of Ladies to possess it.” *Paper on Guinea, 1595.*

Raleigh took command of one of the small vessels of Sir Humphrey Gilbert’s fleet, with which they hoped to reach our shores, and by establishing a colony check the progress of the Spaniards, and “put a byt into their an enemy’s mouth.” The attempt was a failure; and on the second expedition, in 1583, Raleigh, who had fitted out one of the five ships, was forbidden by the queen to





accompany his brother. Gilbert took formal possession of Newfoundland, but he lost his ship off Sable island; and on the return voyage the gallant soldier went down off the Azores, with the Squirrel, his little craft of ten tons, his last noble words being, "Courage, my friends! We are as neere to heaven by sea as by land."

To Raleigh then came the scheme of colonization almost as an inheritance; and on Lady-Day, March 25, 1584, Queen Elizabeth issued to him a patent of discovery, granting him "all prerogatives, commodities, jurisdictions, royalties, privileges, franchises, and pre-eminences, (there-to or thereabouts, both by sea and by land, whatsoever we by our letters patents may grant, and as we or any of our noble progenitors have heretofore granted to any person or persons, bodies politique or corporate.")

He equipped two vessels under command of Amadas and Barlowe, and from the pen of the latter we have an account of the expedition: "The 27 day of Aprill, in the yere of our redemption 1584, we departed the West of England, with two barkes well furnished with men and victuals. . . The tenth of June we were fallen with the Islands of the West Indes. . . The second of July, we found shole water, wher we smelt so sweet and so strong a smel, as if we had been in the midst of some delicate garden abound-ing with odoriferous flowers, by which we were assured, that the land could not be farre distant."

This characteristic of what Lane afterward called the "Paradise of the world" may have been in Milton's mind when he described the approach of the Evil Spirit to the garden of Eden:

"Now purer air  
Meets his approach; . . . now gentle gales  
Fanning their odoriferous wings dispense  
Native perfumes, and whisper whence they stole  
Those balmy spoils. As when to them who sail  
Beyond the Cape of Hope, north-east winds blow  
Sabeian odours from the spicy shore



Of Araby the blest; with such delay  
Well pleased they slack their course, and many a league  
Cheered with the grateful smell old Ocean smiles.”\*

“Keeping good watch, and bearing but slacke saile, the fourth of July [America’s fated day!] we arrived upon the coast, which we supposed to be a continent, and we sayled along the same 120 miles before we could find any entrance, or river issueing into the sea. The first that appeared unto us we entered, and cast anker about three harquebuz-shot within the haven’s mouth: and after thanks given to God for our safe arrivall thither, we manned our boats, and went to view the land next adjoyning, and to take possession of the same, in right of the Queenes most excellent Majestie.”

The explorers had coasted northward two days along the Banks, and entering probably at New inlet or Trinity harbour, had anchored not far from Roanoke island. “We viewed the land about us, being, whereas we first landed, very sandie and low towards the water side, but so full of grapes. as the very beating and surge of the sea overflowed them, of which we found such plentie, both on the sand and on the green soil on the hills, as well as on the hills, as well on every shrubbe, as also climbing towards the tops of high Cedars, that I thinke in all the world the like abundance is not to be found.” This is evidently the luxuriant North Carolina Scuppernong grape, whose strong aromatic perfume might well be perceived at some distance from the shore. . . . “There came unto us divers boats, and in one or them the king’s brother, with fortie or fiftie men, very handsome and goodly people, and in their behaviour as mannerly and civill as any in Europe. . . . The soile is the most plentiful, sweete, fruitfull and wholesome of all the worlde: (there were above fourteene severall sweete-smelling timber trees, and the most part of their underwoods are Bayes and such like.) . . . Wee came

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\*Paradise Lost, IV, 153-165.





to an Island which they call Roanoke, distant from the harbour by which we entered seven leagues: and at the north end thereof was a village of nine houses, built of Cedar, and fortified round about with sharp trees, to keepe out their enemies, and the entrance into it made like a Turne pike very artificially. . . . The wife of the king's brother came running out to meete us very cheerefully and friendly. When we come into the utter roome, having five roomes in her house, she caused us to sit downe by a great fire, and after tooke off our clothes and washed them, and dried them againe: some of the women plucked off our stockings and washed them, some washed our feete in warme water, shee herselfe making greate haste to dress some meate for us to eate. . . . We were entertained with all love and kindnesse, and with as much bountie as they could possibly devise, We found the people most gentle, loving and faithfull, voide of all guile and treason, and such as live after the manner of the golden age."

It is important to mark this tribute to the character of the Hatteras Indians, and bearing in mind after instances of their kindliness and fidelity, we are forced to admit that their final attitude of hostility was entirely due to harsh and cruel treatment of them by the Colonists. It was a stern and ruthless age; the followers of the blessed Gospel of peace and love went ever armed with fire and sword, and admitted no right of any savage or pagan opponent to property, liberty or life.

These first explorers remained in our waters only two months, reaching England again "about the middle of September," bringing with them two of the natives, Wanchese and Manteo. Their arrival excited the greatest interest. Raleigh named the new country Virginia in honor of the queen, and our whole Atlantic coast was now regarded as under the dominion of France, England, and Spain; the three districts of indefinite boundaries being known as Canada, Virginia, and Florida.



This voyage of Amadas was merely one of exploration; but in 1585 Raleigh fitted out a second expedition of seven sail and one hundred and eight men, under command of his cousin Sir Richard Grenville, to plant a colony in the paradise described by Barlowe. Grenville is another of the brilliant heroes of this period, and it is interesting to note the number of remarkable men who were connected with the American voyages. Gilbert, Raleigh, Grenville, Lane, Hariot, White, form as striking a group of adventurous spirits as can be gathered together in history.

Full accounts of the experiences of the colonists are given by Lane. "The 9 day of April 1585 we departed from Plymouth, our Fleete consisting of the number of seven sailes, (to wit the Tyger, of the burden of seven score tunnes, a Flie-boat called the Roe-bucke, of the like burden, the Lyon of a hundred tunnes, the Elizabeth, of fifty tunnes, and the Dorothe, a small barke: wherunto were also adjoynd for speedy services, two small pinnesses. . . . The 12. day of May wee came to an anker off the island of St. John de Porto Rico. . . . The 24. day we set saile from St. Johns, being many of us stung upon shoare with the Muskitos. . . . The 20 of June we fell in with the maine of Florida. The 23. we were in great danger of wracke on a beach called the Cape of Feare, [the Promontorium tremendum of the old maps.] The 26. we came to anker at Wocokon [Ocracoke]. July 3 we sent word of our arriving at Wocokon to Wingina [the Indian chief] at Roanoak. The 16. one of the savages having stolen from us a silver cup, we burnt and spoyled their corne and towne, all the people being fled. . . . The 27. our Fleete ankered at Haterask, and there we rested. The 25. August our Generall weyed anker, and set saile for England."

Grenville thus remained two months on the Carolina coast, and then putting the colony under the government of Ralph Lane, returned home to join the other "Sea-





dogs'' who were now making the whole Atlantic unsafe for Spain. His death in 1591 off the Azores, where also Gilbert had perished, is one of the most glorious events in British naval annals. The English squadron consisted of but seven sail; the Spanish fleet numbered fifty-five. Engaged all night at close quarters with many of the largest Spanish galleons, at daylight Grenville found his little ship, the *Revenge*, literally shot to pieces, and not a man on board unhurt. Desperately wounded, he still refused to strike his flag; and when forced by his crew to surrender the sinking hull, he was taken on board the Spanish Admiral to utter the memorable last words: "Here die I, Richard Grenville, with a joyful and quiet mind; for that I have ended my life as a true soldier ought to do, fighting for his country, queen, religion, and honour."

On September 3, 1585, Governor Lane wrote to Richard Hakluyt from "the New Fort in Virginia," which he had built at the northern end of Roanoke island, on the site of the fortified Indian village found there by Amadas: "Since Sir Richard Grenville's departure, we have discovered the maine to be the goodliest soyle under the cope of heaven, so abounding with sweete trees, and grapes of such greatnesse, yet wilde. . . . And we have found here Maiz or Guinie wheat, whose eare yeeldeth corne for bread 400 upon one eare. . . . It is the goodliest and most pleasing Territorie of the world: for the continent is of an huge and unknowen greatnesse, and the climate is wholesome. . . . If Virginia had but horses and kine, I dare assure myselfe, being inhabited with English, *no realme in Christendome were comparable to it.*"

He describes the whole neighboring country, and determines to change the site of the colony to a better port, for "the harborough of Roanoak was very naught;" but the hostility of some of the Indian tribes rendered all his efforts futile. Conspiracies were formed against the English, and their situation grew so precarious, that many





turned a longing eye homeward. On June 10, 1586, Sir Francis Drake anchored off the coast with a fleet of twenty-three sail, and furnished Lane with a "very proper barke of seventy tun, and tooke present order for bringing of victual aboard her for 100 men for four moneths." But on the 13th there arose a great storm which drove her to sea, with many of the chief colonists on board, and she did not return. Despairing of any remedy for this disaster, and unable to pass another winter without succor from home, Lane determined to abandon the colony. The men were bestowed among Drake's fleet, and arrived at Portsmouth on the 27th of July.

"Immediately after the departing of our English colony out of this paradise of the world," writes Lane, "the ship sent at the charges of Sir Walter Raleigh, freighted with all maner of things in most plentiful maner, arrived at Hatorask; who after some time spent in seeking our Colony up in the countrey, and not finding them, returned with all the aforesayd provision into England. About foureteene days after the departure of the aforesayd shippe, Sir Richard Grenville Generall of Virginia arrived there; who not hearing any newes of the Colony, and finding the places which they inhabited desolate, yet unwilling to loose the possession of the countrey, determined to leave some men behinde to reteine it: whereupon he landed fiftene men in the Isle of Roanoak, furnished plentifully with all maner of provisions for two yeeres."

Besides Lane's narrative of his explorations in the waters of North Carolina, of his relations with the Indians, and of the various adventures and vicissitudes of the first colony, we have a "Briefe and true report of the new found land of Virginia" by Thomas Hariot, "a man no lesse for his honesty than learning commendable," the scholar of the expedition, and the inventor of the algebraic system of notation, described in his epitaph as:



Doctissimus ille Harriotus,  
Qui omnes scientias coluit,  
Qui in omnibus excelluit.  
Mathematicis, philosophicis, theologicis,  
Veritatis indagator studiosissimus.

His report, addressed to “the Adventurers, Favourers, and Welwillers of the enterprise for the inhabiting and planting in Virginia,” is a very full and interesting account of the varied products of the new country, and of the manners and customs of the natives. “There is a kind of grasse in the country, upon the blades whereof there groweth very good silks. . . . There are two kindes of grapes that the soile doth yeeld, the one small and sowre, of the ordinary bignesse, the other farre greater and of himselfe lushious sweet [the Scuppernong]. . . . A kinde of graine called by the inhabitants Pagatowr [Indian corn], about the bignesse of English peaze; but of divers colours; white, red, yellow and blew. All yeeld a very white and sweete flowre. . . . There is an herbe called by the inhabitants Uppowoe; the Spanyards call it Tabacco. The leaves thereof being brought into poulder, they used to take the smoake thereof, by sucking it thorow pipes made of clay, into their stomacke and heade; from whence it purgeth superfluous fleame and other grosse humours: whereby their bodies are notably preserved in health, and know not many grievous diseases, wherewithall we in England are afflicted. They thinke their gods are marvelously delighted therewith: whereupon they make hallowed fires, and cast some of the poulder therein for sacrifice: being in a storm, to pacifie their gods, they cast some into the waters: also after an escape from danger, they cast some into the aire. . . . We our selves used to sucke it after their maner, and have found many wonderfull experiments of the vertues thereof: the use of it by so many of late, men and women of great calling, is sufficient witness. . . . Openauk are a kinde of roots of round forme [the potato] found in moist and marish grounds:





being boiled or sodden, they are very good meat. . . . The naturall inhabitants are a people clothed with loose mantles made of deere skinner, and aprons of the same round about their middle, all els naked. . . . For mankind they say a woman was made first, which by the working of one of the gods, conceived and brought forth children; and in such sort they had their beginning. . . . Some of the people could not tell whether to thinke us gods or men, the rather because there was no man of ours knowen to die, or that was specially sicke: they noted also that we had no women among us. Some therefore were of opinion that we were not borne of women, and therefore not mortal, but that we were men of an old generation many yeeres past, then risen againe to immortalitye. Some would likewise prophesie that there were more of our generation *yet to come to kill theirs and take their places.*”

In no wise discouraged by the failure of this costly experiment at colonization, Raleigh fitted out another expedition of three vessels in the following year, under command of John White, to whom we are indebted for the story of this second colony. For the first time the enterprise had an element of permanence, by including among the emigrants women and children. The intention was to make a settlement on the shores of the Chesapeake, but through the treachery of a pilot, as is said, Roanoke island again became the home of the colonists.

“In the yeere of our Lord 1587, Sir Walter Raleigh intending to persevere in the planting of his Countrey of Virginia, prepared a newe Colonie of one hundred and fifty men to be sent thither, under the charge of John White, whom hee appointed Governour, and also appointed unto him twelve Assistants, unto whom he gave a Charter, and incorporated them by the name of Governour and Assistants of the Citie of Raleigh in Virginia. Our Fleete being in number three saile, the Admirall a shippe of one hun-



dred and twenty Tunnes, a Flie-boat, and a Pinnosse, departed the 26 of April from Portsmouth. . . . About the 16 of July we fel with the maine of Virginia, and bare along the coast, where in the night, had not Captaine Stafford bene carefull, we had bene all castaway upon the breach, called the Cape of Feare. The 22 of July wee arrived at Hatorask: the Governour went aboard the pinnesse, with fortie of his best men, intending to passe up to Roanok foorthwith, hoping there to finde those fifteene men, which Sir Richard Grenville had left there the yeere before. . . . The same night at sunne-set he went aland, and the next day walked to the North ende of the Island, where Master Ralfe Lane had his forte, with sundry dwellings, made by his men about it the yeere before, where wee hoped to find some signes of our fifteene men. We found the forte rased downe, but all the houses standing unhurt, saving that the neather roomes of them, and also of the forte, were overgrowen with Melons, and Deere within them feeding: so wee returned to our company, without hope of ever seeing any of the fifteene men living. The same day order was given for the repaying of those houses, and also to make other new Cottages.”

The settlers, numbering ninety-one men, seventeen women, and nine children, set to work to rebuild the fort, and to make for themselves an English home. Soon after their arrival occurred two incidents of extreme importance in the life of the colony.

“The 13 of August our Savage Manteo was christened in Roanoak, and called Lord thereof and of Dasamonguepeuk, in reward of his faithfull service. The 18, Elenor, daughter to the Governour, and wife to Ananias Dare, one of the Assistants, was delivered of a daughter in Roanoak, and the same was christened there the Sondag following, and because this child was the first Christian borne in Virginia, shee was named Virginia.”

The baptism of Manteo and of the first Anglo-American





child are the beginnings of the life of the English church in the new world. The name Dare has been given to a county of North Carolina on Pamlico sound, and its county-seat is the village of Manteo on Roanoke island; a happy and permanent association of these Indian and English names with the locality where they were first brought into interesting conjunction.

What became of Virginia Dare?—the first American girl—that pattern of sweet womanhood now recognized as a distinctive type, and one as fair and winsome as the Mirandas or Violas of poetry! Did she die in infancy, and does her dust, mingled with the soil of her birth-place, blossom there into flowers that blush unseen? Did her little feet join in the wandering of the settlers from Roanoke to Croatan? Did she grow to womanhood in their second home, and did her life end in tragedy amid the darkness which enshrouds the fate of the Colony? What a subject for imaginative speculation!—and I wonder that no Carolina writer has made her story the theme of a romance.

A pretty Indian legend is that for her grace and gentleness she was known among the Red Men as the “White Fawn,” and after death her spirit assumed that form—an elfin Fawn, which, clad in immortal beauty, would at times be seen haunting, like a tender memory, the place of her birth, or gazing wistfully over the sea, as with pathetic yearning for the distant mother-land.

Shall not the name of Virginia Dare, the White Fawn of Carolina, grow more dear, more familiar to us all? The women of our dear old State will see to it, I am sure, that the memory of this first Carolina girl, and of Eleanor Dare, the first Carolina mother, be tenderly cherished and honoured.

“The 22 of August the whole company came to the Governour, and with one voice requested him to return himselfe into England, for the obtaining of supplies and other





necessaries for them; but he refused it, and alleaged many sufficient causes why he would not. . . . At the last, through their extreame intreating constrained to return, he departed from Roanoak the 27 of August.” The next day he set sail, destined never again to see his daughter and grandchild, and after a terrible voyage reached the coast of Ireland on the 16th of October.

This is the last that is known of the lost colony, whose fate has given rise to so much interesting speculation, and whose blood it is thought may be traced to-day in the Croatan or Hatteras Indians of Robeson county, North Carolina. It was three years before succour came from the old world, for England in the meantime had needed every ship and every sailor in her life-and-death struggle with Spain and the invincible Armada. Efforts were made to reach the colony, but they were unsuccessful, and not until the summer of 1590 did Governor White again arrive off the North Carolina coast.

“The 20 of March the three shippes, the Hopewell, the John Evangelist, and the little John, put to sea from Plymouth. . . . The 23 of July we had sight of the Cape of Florida, and the broken Ilands thereof. . . . The 15 of August we came to an anker at Hatorask, and saw a great smoke rise in the Ile Roanoke neere the place where I left our Colony in the yeere 1587. . . . The next morning our two boates went ashore, and we saw another great smoke; but when we came to it, we found no man nor signe that any had bene there lately. . . . The 17 of August our boates were prepared againe to goe up to Roanoak. . . . Toward the North ende of the Island we espied the light of a great fire thorow the woods: when we came right over against it, we sounded with a trumpet a Call, and afterwarde many familiar English tunes and Songs, and called to them friendly; but we had no answer; we therefore landed, and coming to the fire, we found the grasse and sundry rotten trees burning about the



place. . . . As we entered up the sandy banke, upon a tree, in the very browe thereof were curiously carved these faire Romane letters, C R O: which letters we knew to signifie the place where I should find the planters seated, according to a secret token agreed upon betweene them and me, at my last departure from them, which was that they should not faile to write or carve on the trees or posts of the dores the name of the place where they should be seated: and if they should be distressed, that then they should carve over the letters a Crosse — in this forme, but we found no such sign of distresse. . . . We found the houses taken downe, and the place strongly enclosed with a high palisado of great trees, with cortynes and flankers very Fortlike, and one of the chief trees at the right side of the entrance had the barke taken off, and five foote from the ground in fayre Capitall letters was graven CROATOAN, without any crosse or signe of distress." . . . No further trace was found of the colonists, except buried chests which had been dug up and rifled by the Indians, "bookes torne from the covers, the frames of pictures and Mappes rotten and spoyled with rayne, and armour almost eaten through with rust. . . . The season was so unfit, and weather so foule, that we were constrained of force to forsake that coast, having not seene any of our planters, with losse of one of our ship-boates, and seven of our chiefest men. . . . The 24 of October we came in safetie, God be thanked, to an anker at Plymmouth. . . . Thus committing the reliefe of my discomfortable company, the planters in Virginia, to the merciful help of the Almighty, whom I most humbly beseech to helpe and comfort them, according to his most holy will and their good desire, I take my leave."

Thus ended in disaster all of Raleigh's great schemes for planting the English race on our shores. They had cost him £40,000, and the result was apparent failure; yet his greatest glory is these attempts at colonization. The seed





was sown which was eventually to yield the richest harvest: the direct fruit of these efforts was the colony of Jamestown, and Raleigh is the real pioneer of American civilization. It was he, and not King James, who, as Shakspeare says, was destined to "make new\* nations," and to whom rightly belongs the proud title of *imperii Atlantici conditor*.

"It was through Raleigh's failures that success at length became possible; and his name is better entitled than any other to rank as the founder of the Anglo-American nation."—*Payne*.

The misfortunes of the Roanoke settlers postponed the peopling of our State for more than a generation, but the fame of its beauty, fertility and rich resources had gone forth to the old world. Hear with what quaint expressions of enthusiasm a London writer speaks of *Carolina* in 1650: "Nature regards this Ornament of the new world with a more indulgent eye than she hath cast upon many other countreys. . . . It is all of so delectable an aspect, that the melanchollyest eye cannot look upon it without contentment, nor content himself without admiration. . . . Nature has crowned the Virgin Brow of this unexampled Countrey with universal plenty. . . . Winter Snowes, Frosts, and other excesses, are here only remembered, never known: the furling Springs and wanton Rivers everywhere kissing the happy soyle into a perpetuall verdure. . . . This fertility-labouring Countrey, especially in its Southerne beauties, in its Roanoke excellencies, like to a Princesse, all composed of Beauty, suffers no addresse to be made unsatisfied. . . . Why, being capable to crown her browes with Garlands of Roses, hath she sate desolate amongst the Willowes of neglect? . . . But the incomparable Virgin hath raised her dejected head, and now, like the Eldest Daughter of Nature, ex-

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\*King Henry VIII, V. 4, 53.



presseth a priority in her Dowry. Her browes encircled with opulency, she may with as great justice as any Countrey the Sunne honours with his eye-beames, entitle herself to an affinity with Eden, to an absolute perfection above all but Paradise. . . . The incomparable Roanoke like a Queene of the Ocean, encircled with an hundred attendant Islands, and the most Majestick Carolana shall in such an ample and noble gratitude repay her Adventurers with an Interest far transcending the Principall.”—*Force Tracts, III, XI. E. Williams.*

For more than half a century the name of the first settlement, the so-called “City of Raleigh,” disappears from our annals; until in 1654 a company of explorers from Virginia reached Roanoke, and saw what they termed the “ruins of Sir Walter Raleigh’s fort.” The lapse of time has probably altered its appearance but little from what it then was, except for the changes wrought by a luxuriant vegetation. Its present condition is thus described in *Harper’s Magazine* for May, 1860: “The trench is clearly traceable in a square about forty yards each way. Midway of one side another trench, perhaps flanking the gateway, runs inward fifteen or twenty feet. On the right of the same face of the enclosures, the corner is apparently thrown out in the form of a small bastion. The ditch is generally two feet deep, though in many places scarcely perceptible. The whole site is overgrown with pine, live-oak, vines, and a variety of other plants. A flourishing tree, draped with vines, stands sentinel near the centre. A fragment or two of stone or brick may be discovered in the grass, and then all is told of the existing relics of the city of Raleigh.”

Surely, these interesting historic remains should be saved from further decay, and kept intact for all time to come. No spot in the country should be dearer or more sacred to us than that which was marked by the first foot-prints of the English race in America. In this year of the





great Exhibition at Chicago, and in these days of enthusiasm about Columbus and his explorations, it is especially important not to lose sight of the fact that he did not discover the continent of North America, and that the United States owe nothing to Spanish civilization. That influence was to mould the destiny of the peoples who gathered in the new world south of the Gulf of Mexico; but Cabot with his English explorers was the first to set foot on our Atlantic coast, and it is to English enterprise, English moral standards, English political ideas, and English civil and religious liberty, that we owe the manifold blessings we now enjoy, and to which we must gratefully ascribe the marvelous progress and prosperity of our beloved country.

And now we sons of Carolina, whose lot is cast beyond her borders, appeal to you at home for help in our patriotic undertaking. Perhaps those who are privileged to hang ever on the mother's breast do not so fully realize how dear she is as we who yearn for her from afar. But however this may be, our love for the dear old mother State is deep and tender; we are proud of her glory, jealous of her honor; eager to work for her, to plead for her; and ready I trust, if God will, to die for her.

Her record is illustrious, but the world does not know it,—her history is full of good deeds, great deeds, noble deeds, but it is largely unwritten. Shall this ever be so? Shall no stepping-stone mark her grand progress across the waters of time? Are no statues to rise in honor of our immortals,—no monuments to our heroic dead,—no memorials of great epochs in our history?

To put these questions is to answer them, and we can no longer remain unmindful of our worthy past. The times are full of hopeful signs: associations are forming for patriotic purposes; historical societies are springing up in our principal towns; a few men have found that they have no time to make money, and are spending happy laborious days in turning over old manuscripts and publishing





forgotten papers. Our Colonial Records have been printed, chiefly through the noble efforts of William Saunders. All honor to him who, though a cripple from wounds and a martyr to pain, bravely carried through his colossal work! Go to Greensborough, and see what the devotion of one man can accomplish. Six years ago Guilford battle-field,—the scene of the only pitched battle fought within our borders by regular armies during the Revolutionary war,—was an almost unknown wilderness. To-day, through the energies of David Schenck, it is a beautiful park adorned with noble monuments, and it has become a Mecca of patriotism for thousands of pilgrims. As the years roll on it will become more and more a centre of historic interest to our children's children, until Guilford will be as familiar a name as Bunker Hill, and its significance in the great struggle will be as fully recognized as that of Yorktown, to which it was the necessary prelude.

Thus should we cherish the memory of every important fact in our history. Let us devoutly study the Genesis of our beloved State, the development of our institutions, the formation of our special character,—for we Tar Heels, like the Hebrews of old, are a peculiar people,—we may even say in a limited sense God's chosen people. Let us remember how the English pioneers from the borders of the Chesapeake peopled the Albemarle district,—how the French Huguenots settled on Pamlico Sound and on the fertile lands between the Neuse and Trent,—the Swiss and the persecuted refugees from the Palatinate found a home at New Berne,—the Scotch Highlanders occupied the banks of the Cape Fear,—the sturdy Irish Protestants and the Germans filled the centre of the State, and the industrious Moravians the country between the Dan and Yadkin. From the mingling of these varied elements has grown a homogeneous people—simple, unpretentious, modest, unostentatious, hardy, patient under suffering, obedient to law divine and human—a nation of brave, honest men and



pure, tender women, unsurpassed in the world for their sterling qualities. As ready to resist tyranny as loyally submissive to rightful authority, their political acts have been marked by the highest wisdom, and if "there be any," says Bancroft, "who doubt man's capacity for self-government, let them study the history of North Carolina."

Over sixty years under the government of the Lords Proprietors, and nearly as long under the rule of royal Governors, our fathers showed from the outset an earnest love of liberty and a determined spirit of independence. All oppression of the home government and every abuse of the royal prerogative were stoutly resisted, and when the day of inevitable conflict came, Mecklenburg pointed out to the sister Colonies the path to independence, and North Carolina soldiers shed their blood for the common safety from Stony Point on the Hudson to our extreme Southern border in Georgia. The cause which their valour had helped to win in the field was upheld by their wisdom in the council-chamber, and in nothing are our ancestors worthier of admiration than in the measures adopted for the formation of a State government and the conditions prescribed for the acceptance of the Federal Constitution.

Then followed two generations of happy, prosperous development, when again our country was desolated by a cruel civil war,—for the outbreak of which North Carolina was in no way responsible,—and yet how nobly she responded to every call of duty and honour!—till her best blood was reddening every battlefield, and our dear mother offered up more of the precious lives of her children than did any other State.

With what interest, what pride should we dwell upon all these things! But especially should we love and adorn the sacred spot which was the birthplace of American civilization. Let Roanoke Island become as familiar and as dear to us as is Plymouth Rock to the New Englander; make Fort Raleigh as widely known as Jamestown; let





there gather around Virginia Dare the romantic interest that attaches to the name of Pocahontas.

Let us men and women give to this, and to all such patriotic movements, our substantial aid and hearty sympathy; and let all the young be taught to know and feel what a proud privilege it is to be a child of Carolina.

EDWARD GRAHAM DAVES.

NOTE.—This article was prepared by Professor Daves for use as a lecture. As such it was delivered by him in a lecturing tour throughout North Carolina, in the winter of 1892-'93, in the interest of the Roanoke Colony Memorial Association scheme.—EDITOR.

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EDWARD GRAHAM DAVES.

One evening in the winter of 1891-'92, in the city of Baltimore, I went to Lehman's Hall to hear George William Curtis deliver an address before the national meeting of the Civil Service Reform Clubs. Among the prominent men on the platform I noticed a tall gentleman of middle age, with a grave and intelligent face, and of a soldierly bearing. This, I was told, was Professor Edward Graham Daves. I had known of him before this on account of his interest in North Carolina history. Both from what I had heard and what I then saw, I was very favorably impressed. A short time afterwards I met him. I found that my anticipation was realized. He was a man of charming manners, and of the purest ideals. He was an earnest, intelligent student of the past, an untiring worker, a patriotic American, and in the true old Southern sense, a gentleman. The previous facts of his life, as I afterwards learned, were as follows:

Professor Daves was a grandson of Major John Daves, of the Revolutionary army, a son of John Pugh Daves, and was born at New Berne, N. C., March 31, 1833. He began his studies at the New Berne Academy, and later prepared for college under private instruction on the plantation of



his kinsman, Josiah Collins, near Lake Scuppernong. Washington county, N. C. In 1850 he entered Harvard College, where Jared Sparks was president, and Longfellow and Pierce were professors. For fellow-students he had President Eliot Phillips Brooks, Bishop Perry, and Furness, the Shakespere scholar. He at once became very popular, and was elected by his classmates to various positions of college prominence.

His tastes ran toward the classics, and under a native Greek he devoted his time especially to the language and literature of Greece. He graduated in 1854 with second honors, and at once entered the Harvard Law School. Two years later he settled himself to practice his profession in Baltimore. Just then came the offer of the Greek professorship in Trinity College, Connecticut. He loved Greek better than law, and the professorship was accepted. Here he staid till 1861, when he went to Europe. For ten years he remained abroad giving instruction to English youth on the shores of Lake Geneva, or traveling with his pupils. In 1870 he returned to Baltimore, where he occupied himself with private teaching and with lecturing on literary topics. In July, 1894, he died quite unexpectedly in a Boston hospital, to which he had gone a short time earlier for a surgical operation.

In the last year of his life, Professor Daves was much interested in two historical memorials. June 8, 1891, he offered a resolution in a meeting of the Maryland Historical Society, which led that society to erect a monument at Guilford Court House in memory of the Maryland line, who fought so effectively with General Greene at that place. He was appointed chairman of the committee to carry the matter through, and when the society came to select an orator who was formally to present the monument, the choice fell on him. The subject of his address was "Maryland and North Carolina in the Campaign of 1780-'81." It was pronounced an admirable address, and





in an extended form was published by the Maryland society. It is a valuable contribution to our Revolutionary history.

The other scheme to which he addressed himself was the recovery and preservation of the site of the fort which Raleigh's colony planted on Roanoke Island. Mr. Talcott Williams, of Philadelphia, in 1887, made a journey through the waters of Eastern North Carolina, visiting on the way the site of this fort. He mentioned to friends the necessity of preserving this relic of the first English colony in the borders of our country. It seems that Professor Daves from this point became interested in the scheme. His practical zeal became aroused. Through his efforts Dr. S. Weir Mitchell was interested, and readings were given by the two at Bar Harbor, Maine, in order to secure funds. Dr. Mitchell afterwards gave readings in Baltimore, Philadelphia and other cities, and Professor Daves, in the winter of 1892-'93, made a journey through North Carolina, lecturing and receiving subscriptions for the project. Enough money was raised to buy the tract of land containing the site of the fort and to leave a considerable balance. A company was organized, which was called the Roanoke Colony Memorial Association. The first meeting of the stockholders was held in Baltimore, at Professor Daves' house, in May, 1894. By unanimous choice, the faithful promoter of the scheme was made president. His active mind had already made many plans for promoting the welfare of the company, when all were thwarted by his untimely death. At the next meeting of the stockholders of the association it was decided to erect a memorial to Professor Daves, on the site of the old fort. The Guilford monument and the Roanoke association remain a lasting tribute to his patriotic zeal and his untiring devotion to history.

JOHN S. BASSETT.





### FRANCIS LISTER HAWKS.

The old saying, that North Carolina is a good place to start from, is the key-note to the greatness of her people, as well as a term of reproach as accepted by them. All great men must seek the large centers of civilization in order to give to the world their message, but the great principles of their lives come from the land of their birth. A State is to be measured by the number of its good and great men, and not by material or physical predominance. Even intellectual gifts and culture cannot make a people great, but may become the instruments of their ruin. There are men in every period who shape the life and mould the thought of their time, and among these were some who made higher achievements in particular lines of work, "but in all the elements which form a positive character, in that kind of power which sways the minds of other men, and which moulds public opinion, few men of his age deserve to rank higher than Francis Lister Hawks."

Dr. Hawks was born in Newbern, North Carolina, June 10, 1798. He was the second son of Francis and Julia Hawks. His father was of English and his mother of Irish descent. His grandfather, John Hawks, came to America with Governor Tryon, so well known in the early history of our State. They were warm friends in the old country and came over together to try their fortunes in the new. He was the architect of Tryon palace in Newbern, where he submitted his accounts for building, to the governor's council, June 29, 1771. During the revolution, however, he sided with the Americans. The maternal grandfather of Dr. Hawks was Richard Stephens, who came from Ireland, and, no doubt, was one of the stern old Scotch-Irish blood. Dr. Hawks was one of nine children, three of whom became ministers, and one of these a bishop.

The mother of Dr. Hawks was a remarkable woman. What her husband lacked in positiveness and individuality of character she supplied, combining the character-



istics of her race with a reverence for religion and all that is best in life. The early training which she gave her son is all-important in estimating his life and character. Bishop Green, of Mississippi, who knew the family, says: "The father of Dr. Hawks was of amiable disposition, but not of a high order of intellect," so it is to the mother alone that the great character and intellectual qualities of Dr. Hawks is to be attributed.

He was graduated from Chapel Hill in 1815, at the age of seventeen, and at that early age he was remarkable for his graceful elocution, fluent composition and finely modulated voice, as displayed in the exercises of the College Literary Society. He was valedictorian, and thus the opportunity for pathos was given, for which he was afterward so distinguished.

Immediately after graduation he commenced the study of law under Judge William Gaston, of Newbern, and later he became a pupil at the law-school maintained by Judge Reeve and Judge Gould, at Lichfield, Conn. He spent six months there, together with thirty other young men, many of whom afterward became well known in political and judicial life. Among these he was noted for his frank, ingenious disposition, and for his devotion to study. Near Lichfield was a school for young ladies, managed by the Pierce sisters, which no doubt relieved any severity which might result from legal training. We know little of the discipline kept at this school, but it is not probable that a score of restless youths, preparing for a profession "in which audacity is a virtue," would long remain ignorant of its attractions. The fair pupils were, perhaps, better studied than any page of Coke or Blackstone, and the lessons some of the young men learned by heart were better remembered. Here Dr. Hawks formed the acquaintance of Miss Emily Kirby, who, by her father's failure in business, was forced to take up teaching, and as the South furnished the best opening for her chosen work,





she applied timidly and respectfully to young Hawks to secure for her a position somewhere in that section. He was so pleased with her letter that he sought a correspondence, which finally resulted in marriage.

He was admitted to the bar at the age of twenty-one, and soon took high rank among the best lawyers of the State. Shortly after graduation he received his first communion and began to take an active part in religious affairs. This was a bold step for a young man at that time, as religion was at a low ebb, there being then only one male communicant besides himself in Newbern parish. A worldly career of great promise lay open to him, but he would not compromise his christian principles for the sake of worldly ambition. He became a candidate for the Legislature in 1821 from Newbern, where it was customary for a candidate to throw open his house for the entertainment of all who came, in which all kinds of vice and drunkenness were tolerated. Hawks would have none of this, and "with a moral heroism which knew no fear, he dared to respect his own conscience, and to abide the consequences." However, he was elected in his twenty-third year.

About this time he removed to Hillsboro, Orange county, and took his place among such men as Wiley P. Mangum, W. A. Graham and Chief Justice Nash. During these years his fame for eloquence was growing, and whenever it was announced, "That little man is speaking," the court-room was soon filled with eager listeners. While connected with the bar at Hillsboro he became reporter for the Supreme Court of the State, and while in this position he prepared the "Reports of Decisions in the Supreme Court of North Carolina." In his early youth Dr. Hawks had been inclined to the ministry, but influenced by the worldly and ambitious views of his father he had studied law. His heart, however, was not in the work, and one morning he came to Bishop Green, then pastor of Hillsboro, and said: "I have entered the court-house for the



last time." The Bishop expressed his surprise and asked him what he meant. He replied: "I mean what I say; I am no longer a lawyer; I wish to become a clergyman." He read for a few months under Bishop Green, and removed to Newbern, where he completed his studies and was ordained by Bishop Ravenscroft.

While on a visit to her old home, his wife died at New Haven, Conn., and was buried by Rev. Harry Croswell, by whom the marriage was performed. This domestic relation between the two men led to the election of Hawks to be Dr. Croswell's assistant in April, 1829. His eloquence and sincerity soon won for him a high place among the people of New Haven. While there he married Mrs. Olivia Hunt, formerly Miss Trowbridge, of Daubury, Conn., who survived him, and was a loving tender support to him all through his eventful career. His stay in New Haven was short, and in August of the same year he removed to Philadelphia, where he became Bishop White's assistant at St. James' Church. In the autumn of 1830 he was elected Professor of Divinity in what is now Trinity College, Hartford, Conn., and early in 1831 he became rector of St. Stephen's Church, New York. In December he resigned this position to accept the Rectorship of St. Thomas' Church, New York City, where he spent the best years of his life.

His eloquence and power soon drew around him a large congregation, which he held all through the years of his pastorate. The early training he had as a lawyer made his sermons more or less argumentative. He sought always to convince the judgment before appealing to the feelings, and in his greatest bursts of eloquence he kept Hamlet's advice; in the very torrent and tempest of passion he observed a temperance which gave his diction smoothness. It is said of him during this period—so wonderful was his voice and style of delivery—that had he taken Euclid's Geometry into the pulpit, his audience would have listened





gladly to the demonstration of its bare problems. He was called upon to preach many charity sermons, and in one of these, for the support of a Dispensary, the following humorous touch is found: "It has been objected to many charities," said he, "that their beneficence is bestowed upon unworthy objects. This cannot, however, be alleged in the case of the institution whose claims I advocate; for the wretch is yet to be found who will wallow in the mire of dissipation for the express purpose of qualifying himself to become a recipient of your bounty, and enjoy the sublime privilege of taking physic without cost."

In the summer of 1836, he visited England for the purpose of securing copies of such documents as related to the early history of the Episcopal church in America. He was well received there, and brought back with him seventeen folio volumes of historical materials, accumulated from various sources, relating to the early history of the church in New York and in the other colonies.

A short time previous to this, in 1835, he began a long series of literary works by the publication of several juvenile volumes, consisting chiefly of conversations between a very learned and sympathetic old Uncle Philip and his enquiring and, oftentimes, perplexed nieces and nephews. He loved children and took great delight in teaching them.

Immediately upon his return to New York from England, Dr. Hawks began the work for which he had now such abundant materials, called "Contributions to the Ecclesiastical History of the United States." The first volume was published in 1836, on the early church in Virginia, and in 1839 the second volume, on the early church in Maryland, appeared. These works, though well received by the church, were severely criticised, and Dr. Hawks was so disgusted with the attack, that he abandoned the whole scheme of Church History. In 1837 he founded the *New York Review*, to which he contributed





several strong articles. One especially is of interest to us, being a "Partial Estimate of Jefferson's Character," in which he attacks the principles and work of Mr. Jefferson. Another article was that on Aaron Burr.

While Rector of St. Thomas, he projected a plan for a training school, which was to be a model in educational lines. By his enthusiasm and earnestness he secured contributions to the scheme, and soon had a well organized school located at Flushing, Rhode Island, but a financial crisis came on and the school was broken up for lack of funds. In consequence of this failure, Dr. Hawks became involved in debt, and his character was attacked for being so careless in the use of the school funds. On account of this he resigned the Rectorship of St. Thomas' Church, and went to Holly Springs, Miss., where his daughter lived, with the view of retrieving his fortunes and paying off his indebtedness. He at once established a school there, and became Rector of the church. He remained there only a year, but during that time he was elected Bishop of Mississippi by the Philadelphia convention, before which he made his famous speech, proving his innocence of the charges against him. For various reasons he declined the appointment. From Holly Springs he went to New Orleans, where he was Rector of Christ's Church five years. While there he drew the plans for the organization of the University of Louisiana, and was elected its first president.

In 1849 we find him again in New York as Rector of Calvary Church, where he remained until 1861. On his return to the city of his adoption, his friends made up a purse of \$30,000, which relieved him of all indebtedness, and enabled him to pursue his life's work without pecuniary embarrassment.

Though Dr. Hawks made no pretensions to poetry, his occasional verses found a place in a collection of "The Poetry of North Carolina." They were all on simple



topics, and some of them are instinct with poetic beauty. In his lines, "To an Aged and Very Cheerful Christian Lady," the following beautiful verses occur:

"And yet thy cheerful spirit breathes  
The freshness of its golden prime;  
Age decks thy brow with silver wreaths,  
But thy young heart still laughs at time.

"Life's sympathies with thee are bright,  
The current of thy love still flows,  
And silvery clouds of living light  
Hang round thy sunset's golden close."

His lines to N. P. Willis, of Boston, are beautiful in thought and imagery:

"I know thee not,  
And yet I feel as if I knew thee well;  
The lofty breathings of thy tuneful lyre  
Have floated round me; and its witching notes,  
With all thy bright and bold imaginings,  
Stealing and winding round my inmost soul,  
Have touched with gentlest sweep its trembling chords,  
And waked a thrill responsive to thy melody."

While connected with the New York Historical Society. Dr. Hawks did his greatest work for North Carolina. This society, instituted in 1804, was revived in 1836, chiefly through his influence, and for several years he continued to deliver lectures before its members. Among those interesting to us was "The Career of the Indian Maid and Matron, Pocahontas," followed by another on "Captain John Smith and the Settlement in Virginia." In a subsequent course he delivered a graphic lecture on "Sir Walter Raleigh," in which he gave a narrative of the great adventurer's fortunes and an analysis of his character, together with that of the leading statesmen of Elizabeth's court and of the queen herself. Dr. R. H. Battle says of this lecture: "I heard him deliver his lecture on 'Sir Walter Raleigh,' to the delight of a large commencement audience, though he took two and a half hours in its delivery. His voice was as deep as the low tones of an organ, and he





used it with wonderful effect, while his delivery was exceedingly graceful and impulsive." This lecture was afterward incorporated into the first volume of his history of North Carolina. At another time his subject was the Revolutionary History of North Carolina, in which he discussed his favorite theme, the "Mecklenburg Declaration of Independence." He was a firm believer in the declaration of May 19 and 20, 1775, and made some strong points in its favor. The style of this lecture is clear, smooth and attractive, showing throughout his patriotism and love for his native State.

Among his works, the most valuable to us is his history of North Carolina in two volumes. The first was issued at Fayetteville in 1857, and embraces the period between the first voyage to the colony in 1584 to the last in 1591. It consists of various original documents and letters concerning the early voyages to the colony, together with a kind of running commentary by the author on the characters and events of the stirring times of Elizabeth. He closes the first volume with the following expressive sentence: "And so after the toil and suffering of years, the expenditure of much precious treasure and the loss of still more precious life, the waves of Albemarle rolled, as of old, their ripples up the deserted island beach, and the only voice heard was that of the fitful winds, as they sighed through the forests of Roanoke, and broke upon the stillness of Nature's rough repose. The white man was there no longer." The second volume, embracing the period of proprietary government from 1663 to 1729, was published, also at Fayetteville, the following year. This consists of a series of chapters on such subjects as "The Law and Its Administration," "Agriculture and Manufactures," "Religion and Learning," "Manners and Customs," etc. Somewhat peculiar, it is true, but carrying out his idea that "the real history of a State is to be read in the gradual progress of its *people* in intelligence, industry, wealth



and civilization," and that "the public events that transpire are but the exponents of the condition of the inhabitants, in these and other particulars."

Dr. Hawks took great delight in the study of antiquities, and was a prominent member of the American Ethnological Society. He was especially interested in the earliest life of the American Aborigines, and in 1857 he delivered three lectures on the "Antiquities of the American Continent," at Hope Chapel, New York City. As the result of his studies in this department, he published a volume on "The Monuments of Egypt," and later, one on "Peruvian Antiquities."

In 1852 he was offered the Bishopric of Rhode Island, making the third time that the Episcopate was offered him, and, in 1859, he was invited to the Chair of History in the University of North Carolina. This he declined also.

An event now took place which placed Dr. Hawks in a position ill-suited to his nature. Always outspoken in his views, he felt that he could no longer hold a position among people whose sympathies were so different from his own, so he resigned and went to Baltimore, where there were many strong southern sympathizers. Approaching three score and ten, he gave up the best position he ever had, a position won by a life of honest exertion, in order to be true to his convictions. "He did not forget the land of his birth, the grave of his mother, the kindred and friends whose happy, peaceful homes were so soon to feel the fury and devastation which were poured out upon them." At the close of the war he was invited to New York, and preached there for a short time, but his health was failing. His last public act was the short address on laying the corner-stone of his new church in Twenty-fifth street, September 4, 1866. His great work was ended. After a short illness he gathered his robes about him and stepped out calmly and peacefully into the great unknown.





He was buried at Greenwich, Conn., where a tomb and monument were prepared for him.

Nature seems to have endowed Dr. Hawks with the elements of greatness, giving him a powerful intellect, a "physical constitution of great endurance, an eye steady, dark and penetrating, and a voice tuned to eloquence." His independence, moral courage and warm southern sensibility, made him a natural leader, and "had he pursued a political career, North Carolina might have sent to the Senate an orator to rank with Clay and Calhoun." He loved simplicity in all things, and in all his public life he was thoroughly simple and perfectly natural. He fulfilled his great mission as a preacher, and at the same time was a leader in all that pertained to the life and true progress of the age in which he lived. Wheeler says of him all that need be said of any North Carolinian: "He was true to North Carolina and proud of her glorious history."

SANDERS DENT.

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#### A KU KLUX RAID, AND WHAT CAME OF IT.

It was the summer of 1870, a year memorable in the political and social history of North Carolina. Among the notable events of the year may be mentioned the culmination and decline of the Ku Klux organization, the grave blunders of Governor Holden in the matter of the Kirk war, and the election of a Democratic legislature.

The original incident, the germ of those now to be related, occurred in a section of the State from twenty to thirty miles southwest of Raleigh known as Buckhorn, a name borne by three adjacent townships in three adjacent counties, viz: Chatham, Wake and Harnett.

From Raleigh a great turnpike road leads southwest for fifteen miles to the village of Holly Springs; thence westward through Buckhorn in Wake into Buckhorn in Chatham to Avent's Ferry on the Cape Fear river, leaving Buck-





horn in Harnett to the South. This road is of great historic interest as being the scene of the last war movement of Gen. Sherman's Army. Along this road from Raleigh to Avent's Ferry Gen. Sherman threw out the left wing of his army for the purpose of reaching Charlotte ahead of Gen. Johnston's army, which was following in its retreat the line of the North Carolina Railroad. When the van of the army had reached Avent's Ferry, and a pontoon bridge was being thrown across the river, the whole moving mass of army corps along the entire length of the road came to a halt, went into camp, and remained two weeks as guests of this usually quiet section of the State. The devastation wrought was all that could be expected from a hostile army.

I hail from Buckhorn in Harnett. At the time above mentioned (the summer of 1870) I had returned home from Trinity College to spend the vacation at the close of my Freshman year. On Friday night, July 1st, about eleven o'clock, a squad of mounted men in rapid movement passed along the road to the northwest. In the faint moonlight the men seemed to be in disguise, and we suspected that some of the Ku Klux were on a raid. The next day the tidings swiftly spread that Wyatt Prince, a negro living just over the Chatham line, had been attacked by the Ku Klux and had been seriously if not mortally wounded by pistol shots. A more detailed account was that at about midnight a squad of disguised men had surrounded Prince's log cabin, had demanded entrance, and, having been denied, they were proceeding to batter down the door, when Prince leaped out through an unguarded window. His retreat was discovered in time for the attacking party to give him several farewell shots, three of which took effect, making serious wounds. No further pursuit being offered, Prince escaped to the spring branch, in the cool waters of which he bathed his wounds till morning.



#### THE ARREST.

Out from the negro circles the rumor spread that some of the attacking party had been recognized, and in this connection were mentioned the names of several young men of the aforesaid townships, among them the name of my brother, John D. Pegram. This gave us little or no concern, for the whole family knew that he spent the night at home, and that we could easily prove for him an *alibi*. But the incident was not to be closed up in mere rumor. Busy hands were at work, the outrage machine was in full operation, and the demon of prejudice was for a season unchained. We did not know what was going on at the time, but subsequent events revealed to us what had been done. One or more of Prince's friends had gone to Raleigh, and had made affidavit before the U. S. Commissioner, A. W. Shaffer, who issued warrants for the arrest of twelve men of the aforesaid Buckhorn townships. The execution of the warrants was intrusted to a Deputy Marshal Boshier, who called to his aid a squad of Federal soldiers. They came down upon us Saturday, June 9th, piloted by Joe Dennis, a young negro of unsavory reputation. Leaving Holly Springs early in the morning they reached Chalk Level, my father's home, in Harnett, about nine o'clock, where they apprehended brother John and myself. We found that they had already taken up John Stevens and David Stevens, of Wake county, and Dickson Stevens, a near neighbor, of Harnett county. Out upon the highway near home the posse paused for two or three hours, while the officer went to arrest Jas. H. Prince, whom he did not find at home. Passing thence to the northwest they arrested William Truelove, of Harnett, Norman Johnson and Buck Sloan, of Chatham. Marion Cross and George Sloan were in demand, but were not at home, both having gone to Haywood on business for the day.

Towards sunset we had reached the aforesaid Avent's





Ferry road, and had set our faces towards Raleigh. Reaching the residence of W. C. Norris, Esq., in Wake, our captors added his son, W. Carey Norris, to the number of prisoners. After dark we reached Collins' Cross Roads, where we paused an hour for refreshments; then continuing our journey till a late hour, we camped for the remainder of the night about twelve miles from Raleigh.

#### IN JAIL.

Sunday morning we decamped, reached Raleigh about eleven o'clock, passed through the city, and halted in the old fair grounds, which had been converted into a military post for resident Federal troops during those reconstruction times. Here we were kept under guard in the open porch of a long, low building for some hours during mid-day. The arrival of nine captured Ku Klux was a notable event. The tidings spread through the city, and vast crowds of negroes gathered about the enclosure of the barracks to see how we looked and to express their joy at the prospect of seeing speedy justice meted out to the "negro killers." About three o'clock we were placed under a strong guard, and, attended by the howling, hooting, jeering mob, composed seemingly of the entire black population of Raleigh, we were escorted to the court house. After a short pause here, in the vain effort to be allowed to remain under military guard, or to give security for our appearance, we were taken out of the court house by the west door, into the jail enclosure, into the jail, up the stairway to the second floor, and safely lodged in the room on the northwest corner. It was a foul den, occupied by a youthful jail-bird, with his straw bed and blankets upon the floor. At last we were in jail—a solid fact and no fancy about it. The thick walls, the small grated windows, the strong iron door, ourselves on the inside, and the turnkey, armed with the proper implements of his office, on the outside—all this was evidence indisputable that we were in jail. Up



to this time we had regarded our arrest as a huge joke, and had deported ourselves much as a lot of young fellows out on a picnic. But this was carrying the joke a little too far, and the flood of emotion that was experienced by our little company was too great for utterance. We stood by the windows, or sat on the floor, and silence reigned for half an hour. Then one of our number recovered his equilibrium and wanted good humor, and said, "Boys this will never do; it's no use to sulk and pout; let's have a good time, even in jail." And we did. Soon friends arrived, and were admitted to see us; among them I recall my father, George W. Pegram and his faithful old friend and neighbor, A. H. Dewar; W. C. Norris, of Wake; and Maj. R. S. Tucker and Geo. T. Stronach, of Raleigh. Their presence gave us good cheer, and a box of provisions sent from our homes served for our refreshment. About night-fall we were transferred to an adjacent room, where with an abundance of blankets sent in from other parts of the jail we spent the night in refreshing sleep. In the morning our host supplied us with an elaborate breakfast, which, for each one, consisted of a piece of boiled beef and a large chunk of coarse corn bread, made from unsifted meal, with seemingly a due proportion of baser material commonly known as dirt. We politely received the tin platters with the above named contents, placed them on the floor, and with a twirl of the foot sent them gliding to the remotest corner of the room. From Cook's Hotel, with compliments of our friend, George T. Stronach, was sent to us an elegant breakfast for three or four men, which, with the remaining contents of our box, furnished us all an ample repast.

#### THE TRIAL.

At ten o'clock, Monday, July 11th, we were taken into the court house for trial before Commissioner A. W. Shaffer. F. H. Busbee, Esq., was counsel for the prosecution, and Ex-Gov. Bragg and R. H. Battle, Esq., were counsel





for the defense. The court room was crowded to its utmost capacity. The three men who were absent from home when called for on the previous Saturday were now on hand of their own accord and responded in the trial. The defense put in the plea of no jurisdiction, but the plea did not satisfy the court, and so the trial proceeded. The witnesses introduced by the prosecution were the wife of Prince and her mother, who was residing at the home of Prince at the time the raid was made upon him. The testimony of the mother was naught, so far as connecting any one of the prisoners with the crime. The wife testified that she recognized in the raiding party at least four of the men, Johnson, Truelove,, George Sloan and Buck Sloan; that she knew these men well and could identify them; that she knew Johnson very well, and would recognize him anywhere. On being asked to identify Johnson she pointed out myself. That there might be no mistake as to whom she intended to point out, I was asked to stand up. "Yes," said the woman, "that is Norman Johnson." I was then asked to state to the court my name. "My name is William H. Pegram," said I. The effect of the witness's mistake was like an electric shock; it broke the force of her evidence, relaxed the high tension to which all minds had been wrought, and brought the evidence on the part of the prosecution to an end. The defense offered no testimony, feeling that there was no evidence to rebut and that no case had been made out against us. The court soon rendered its decision. Eight of the prisoners were discharged, and four were bound over to court in a bond of \$2,000 each. The latter part of the decision was regarded as utterly unjust, and the bail as excessive. The bonds were promptly given, and we dispersed to our homes. The men appeared at the next Federal Court, but the case was not called; and upon inquiry it was found that no true bill against them was found by the grand jury. And thus the "Ku Klux Raid and What Came of It" came to a close.





#### THE NORTH CAROLINA MANUMISSION SOCIETY.

Perhaps it will be a matter of considerable surprise to many, in fact a majority of the citizens of the State, to know that the anti-slavery sentiment was ever strong enough here to take the form of organized protest and endeavor against the practice of slavery. And they would be still more surprised to know that this was the case in some of our most prominent counties. Nor was this simply the agitation of abolitionists just on the eve of the great war, but it was organized and carried on in the early part of this century. And it would be the occasion for still greater surprise to know that this organization ever reached so prominent a position as to receive such recognition from a similar general American Society, as to be asked to present their views to the general society at Washington. Yet such was the case.

The first record we have of this organization is the minutes of the several branches of the "Manumission Society" in Guilford and Randolph counties, which met at "Center Meeting House" July 19, 1816. This name it retained for two or three years; but there seems to have been some discontent with the limited sphere of work which was implied in the name, and after several unimportant changes the name was finally agreed upon and the society became known as the "Manumission and Colonization Society of North Carolina." And by this name it would have been known if the attempt, on the part of some of the members, to have the society incorporated had succeeded, but it was not seconded by a majority and so the project failed.

In the matter of organization, the aim of the society was to have, in the various townships, as many local branches as was possible. These were all entitled to send delegates to the General Society which met twice a year, alternating between Deep River and Center Meeting Houses. The local branches were usually called by the name of the "meeting house" at which their meetings were held, and



they seem to have been carried on in nearly all the most populous communities of the two counties. These branches were allowed representation based on membership, and their delegates were elected for certain terms just as the other officers of the Society.

Among those who were present at the first meeting in 1816, we may notice the familiar names of Swain, Mendenhall, Sherwood and Worth, along with many others. The election of permanent officers resulted in choosing Moses Swain for President, Thomas Sherwood for Clerk, and Hugh Sherwood for Treasurer.

Upon a call of the local branches, it was found that the aggregate membership of the General Society of 147. At the September meeting in 1817 the whole number of members was reported at 256. In April, 1819, the total membership was estimated at 281. From this date until 1822 there were regular meetings, but in that year there were two attempts to hold sessions, but were both failures. This marks the first flagging of the zeal of the Society.

In 1824 there began to be agitated the question of the advisability of longer continuing the organization, and also in that year a committee was appointed to meet a State Abolition Society and to try to effect a consolidation of the two societies; this design was never carried out.

In September, 1825, the whole number of members was placed at 497, and in addition to the regular branches, a female society, located in the vicinity of Jamestown, was reported, and the Society resolved to recognize it as an auxiliary. From this time on there were, at various meetings, addresses and papers presented by this auxiliary to the General Society, and scarcely a meeting passed without there being adopted some suitable resolution in commendation of the work being done by the female society, and it continually furnishes a subject for praise to the President in his semi-annual address.

In March, 1826, we see a name somewhat more noted than





the others when Wm. Swain was elected Secretary. There are no other occurrences of importance until 1828, when a committee on that subject recommended the division of the Society into two societies, and that there thus be formed Eastern and Western sections. Whether this was ever done, does not appear on the records. Nothing more worthy of note in the internal history of the Society is shown until 1834, when the question of longer continuing the Society again arose and, after a rather prolonged debate, it was decided that, as the Society had not yet accomplished all it started out to do, it would be wise to discontinue. Here the record ceases and we are left to suppose that the resolution was immediately carried into effect.

Such is a brief history of the Society, but not of its work, and there remains to be treated yet the various undertakings and how it went about carrying them out. Its plans and methods will give us not only an insight into the workings of the Society, but their success will throw great light upon the state of public sentiment on the question that was afterwards to become vital in the United States.

In the preamble to their constitution they ask whether they are acting in accord with the time-honored principles of liberty in holding slaves; and then declare their adherence to the Declaration of 1776, and that all men are entitled to freedom without reference to race or color, and the more enlightened men are, the greater disgrace in keeping our fellow-men in bondage. With such a declaration of principles as this they were positively committed to an aggressive campaign in the interest of freedom.

The Society was primarily and pre-eminently a *Mission* Society. Of course it was out of its power to do anything effective along this line further than the dissemination of literature on the subject, and in every way possible to strive to stir up the consciences of men. It did not attempt or profess to be a political organization, and



only once do we find it discussing the issue as a political one, and then it was on the question as to whether the voting for candidates for legislature who were not in favor of emancipation was an impeachable offence. We are not told how it was decided, the record only saying that the seventh article of by-laws was struck out, but as this article does not touch that part of the subject, it does not throw any light on the subject.

One of the most effective means of arousing public sentiment in favor of manumission, was of course, to be through printing, and so at the very first meeting there was appointed a committee to superintend all printing. At the second meeting this committee read a letter from Mr. Jo. Gales, the editor of the Raleigh Register, in which he declined to print an article they had sent him, on the grounds that the subject was one on which the people of the State were not then in a temper to bear discussion; also because it might produce consequences of a direful nature by falling into the hands of the slaves, many of whom, he says, can read. Notwithstanding his refusal, though he did not openly espouse their cause, yet he expressed the wish that an end could be put to the practice of slavery, but, according to his opinion, it must be brought about by gradual means.

This refusal led to a proposition to establish a printing press subject to their own control. This was never carried into effect, but later we find an order to print and distribute free "The Friend of Peace," copies of which had been sent them by the Ohio Peace Society. They also stepped outside their proscribed bounds and discussed the printing of a pamphlet on war, which may be accounted for, however, by the strong Quaker sentiment that was predominant in the Society. They also seem to have reached the conclusion of the editor of the Register, and we find them ordering the printing of an essay in the East Tennessee Patriot which should set forth the views of the Society, as





it was not seasonable to publish it in this State. It may be well to mention just here that there was a similar society in Tennessee, and that a special committee had been appointed to carry on a correspondence with it, and some very encouraging reports were received from that State. Besides numerous other articles which were ordered printed, a committee was appointed to draw up a paper setting forth the comparative value of free and slave labor. And at another time the branches are all advised to subscribe for Benj. Lundy's "The Genius of Universal Emancipation."

Another department of work which naturally suggested itself, from the name under which they worked for a while, would be the encouragement of colonization and the rendering of pecuniary aid to such enterprises; but this part of the work does not seem to have met with a very hearty response on the part of the members. Perhaps the impracticability of such a scheme readily presented itself to their extremely practical minds. At any rate, we find few references to this part of it. At different times the scheme is mentioned in the addresses of the President. At one time he recommends Hayti, and at another time French Guina, for colonization purposes. Also at one meeting a motion was made and carried to send money to General Colonization Society. This seems to have been the extent of the aid and interest.

The Society also, at one of its earliest meetings, ordered the appointment of a commission to examine the laws of the different States and to make extracts of any parts relating to slavery.

At a later meeting the question of kidnaping was discussed, as was also the expediency of examining into certain cases of this kind which had been reported, and of trying to enforce the law against the practice. Later a standing committee was appointed to act in all cases of the kind that were reported to them, and they were instructed to inquire into certain cases of persons who were reported





to be held in bondage illegally; the Society agreeing to bear all expenses of the investigation.

The President, in his address in April, 1821, states that New Garden was making the experiment in the tuition of colored children in schools by themselves, and expressed the wish that it might be successful, and a committee on that matter reported favorably, recommending that the Society take steps to the same end. Along this same line was a resolution asking the slave-owners to teach their slaves how to take care of themselves. But afterwards a protest against the use of slave labor in the construction of the proposed railroad was indefinitely postponed, which virtually amounted to killing the proposition.

As another method of stirring up the public, it was suggested that a correspondence be entered into with the various religious organizations, and accordingly persons were appointed to write to the Baptists, Methodists, Presbyterians and Moravians, and seem to have met with very hearty sympathy and assurances. At a later date the Society drew up a petition for the Baptists, asking the legislature to grant negroes license to preach, with certain restrictions.

Correspondence had also been opened with various abolition societies, and with the Bible and peace societies. They also sent out an address to the various branches to which they were asked to secure signers, and to have it forwarded to Congress. At a subsequent meeting two hundred and sixty names were reported as secured and sent to Thomas Settle, who was the representative at Washington.

To show the temper of the Society and the ardor of some of its members, it will not be out of place to quote the following from the minutes:

“There were two essays introduced from Reedy Fork branch, one entitled ‘An apology for becoming a Manumission member,’ and the other comparing some among



christian professors with Mohometans as far as respects slavery, which were read, approved and directed to be signed by the President and Secretary on behalf of the Society, and that they be forwarded on to the editor of the *Emancipator* for publication.”

In August, 1830, it was reported and approved in open session, that there was nothing libellous in the article for which W. L. Garrison was indicted and convicted, and that he did not overstep the liberty of speech guaranteed to him by the Constitution, and the committee recommend that the Association enter its protest against the unconstitutional decision in Garrison’s case.

Toward the latter part of its existence, the meetings of the Society were conducted in somewhat the form of a debate on certain questions suggested by a committee for that purpose. These questions all relate in some way to the question of slavery; either the means of getting rid of it, or of arousing sentiment concerning it, or of a citizen’s duty concerning it. But as they were always with one accord on the same side, they must have partaken of the nature of harangues instead of debates.

CHAS. C. WEAVER.

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JOHN S. CAIRNS, ORNITHOLOGIST.

North Carolina has produced many men of genius whose lives gave rich prospects of fame and usefulness, who doubtless would have brought honor and glory to the shrine of the “Old North State;” but when life has seemed most hopeful to them, when their work has begun, as it appeared, to cast upon them the halo of success, they have been snatched away from the merited renown of this world to the rest and greater glory of the Unknown. The lamented Fuller, with his thirty ideal years of a faithful life, and the invalid Gillespie, struggling against the evils of a life-devouring disease for the calling of his muse, are illustrations of this lamentable fact—this law of Fate.





It is not of one who showed talents for the work of the poet, the statesman, or the orator that I now write, but of one who had gifts which promised him a station of note in the scientific world.

John S. Cairns was born February 10, 1862, at Lawrence, Mass. He was of Scotch parentage. His father had left "the banks and braes" of "bonnie Scotland" for the new prosperity of America. Being an intelligent, well-read man, he and his faithful wife brought with them a large and valuable stock of Scotch ideas of work and industry.

Mr. Cairns, when his son was about eight years of age, moved to Western Carolina, taking charge of some woolen mills several miles from Asheville. Here, in the very heart of nature, among the mountains of our own Carolina, the subject of this sketch found his life work. He early showed much interest in natural history. So absorbed was he in this work, that he could not be prevailed upon to pay strict attention to school studies. Whenever the young lover of nature found an opportunity, he would steal away to observe the habits of the wild animals. Adam Moss might have been speaking for him when he said: "As one goes early to a concert hall with a passion even for the preliminary tuning of the musicians, so my ear sits alone in the vast amphitheatre of Nature and waits for the earliest warble of the blue-bird, which seems to start up somewhere behind the heavenly curtains."

At eighteen, he began his collections, the finest of North Carolina specimens. Henceforth his life is an illustration of a noble devotion to a high aim; what Philips Brooks might well call "Deep calling unto Deep;" that longing in the mind of man to reach out and lay hold upon the heart of Nature—to learn of her, to read her lessons, to solve her problems, to hear the music of her many voices which but forms a part of the great symphony of God. His work was all done under great difficulties. His family were opposed to his wanderings among the mountains in



search of specimens. Then it was hard for him to secure the best books to aid him in the first steps of his study. He was shamefully cheated in his first efforts at exchanges and classifications by men who cared less for the science and more for "the loaves and fishes." And not least of all, he was compelled to support himself while at work. Notwithstanding these difficulties, he obeyed his call with the characteristic zeal of the true scientist, and nature greatly rewarded him for his interest in her behalf.

His work was done entirely in Western North Carolina. Here is one of the vastest and richest fields for ornithological study in America. Every hill and dale has a separate family of birds; each woodland discloses new secrets to discourage the heart of the observer. Mr. Cairns went to work with an untiring zeal and vigilance. As the result of his labors, many thousand skins and eggs have been added to our zoological museums. To him, more than to any one else, is indebted our knowledge of the Western Carolina birds, a region differing very much in this, as in other respects, from Eastern Carolina. He discovered a rare species of the Acadian owl, before unknown to be native to our State. Many were the days and nights he spent among the rugged Black Mountains and other ranges in pursuit of his favorite work.

In every particular, Mr. Cairns obeyed the divine command, "Whatsoever thy hand findeth to do, do it with thy might." His early collections, he sold. His last collection numbers about one thousand skins and fifteen hundred eggs. Many of these have been separated from the main body; yet it is wonderful to stand and view the remains of his work at his home at Weaverville. So well did he obey the "God-given mandate, 'Work thou in well-doing,'" that the Smithsonian Institution, the New York Museum, Harvard, and the State Museum of North Carolina considered it a favor to receive his collections. Not only this, but he had correspondence with the leading ornithologists





of this country and made exchanges not only with his own countrymen, but also with those of foreign lands. He was a member of the American Ornithologists Union.

Unfortunately for science, he, to a certain extent, possessed the peculiarly reticent nature of his great fellow-scientist, Thoreau. Hence it is that very little of his work has appeared in print. His friends desired him to publish a book on North Carolina Ornithology, but he would not. He could not be prevailed upon to write for magazines, except at the special request of the editors. But as has been said of the recluse of Walden Pond, "He saw as with a microscope, heard as with an ear-trumpet, and his memory was a photographic register of all he saw and heard." Of his magazine articles, two are in the *Ornithologist and Oologist on the Birds of Buncombe County, North Carolina*. He also wrote a valuable article on the Black-Throated Blue-Warbler. He furnished many lists to C. Hart Merriam, Director of the Department of Ornithology, at Washington. From observation and personal study he made a classified list of the birds of Western North Carolina, a copy of which is now in the Trinity Historical Museum.

But the greatest and best thing that can be said of Mr. Cairns is that he was authentic. Many so-called scientists make reports of birds and animals they have not seen, but only read of or imagined they have seen. Mr. Cairns was a careful observer. He never made a statement unless he had a specimen to support his assertion—never entered into a discussion without convincing evidence that he was right. He was the indirect means of teaching the Academy of Natural Sciences at Philadelphia the proper identification of the wild turkey. So skilled was he that he could easily identify birds by their mode of flight.

Speaking of him and his work, Mr. William Brewster, of Cambridge, says: "Of all the correspondents whom I have had during an experience of more than twenty years,





Mr. Cairns has proved himself to be one of the most helpful and kind. His generosity has been simply boundless. He has done far more than any other one man to advance our knowledge of the birds of Western North Carolina, and his loss to ornithologists is a heavy one."

Like our own Dr. Mitchell, his life was not only spent in the service of science, but it was lost in it. In June, 1895, while searching for some rare specimens among the Black Mountains, he became separated from his party. When he did not return, a search was made. After many hours of weary toil and anxious expectation, he was found lying by the trunk of a large tree, his head pillowed upon a bed of moss, and life extinct. While knocking the fungus from a log with his gun, it was discharged, killing him instantly. The place where he died is but a few miles from where the lifeless body of Dr. Mitchell was found. His remains were brought back to his home and buried with Masonic honors in the village cemetery, where the birds sing their requiem above the still heart that loved them so well.

The Auk, the organ of the American Ornithologists Union, in commenting upon the death of Mr. Cairns, says: "His untimely and sad death is a distinct loss to ornithology. Fortunately, some of his notes, so generously sent to ornithologists with whom he was in correspondence, may yet see the light." Had his life been prolonged he would doubtless have given us a valuable and useful scientific work.

"But Nature never did betray the heart that loved her." Cairns and Mitchell, in their zeal to serve her, lost their lives. And we can but trust that "beyond the Orient meadows of Eternity" they rest upon the slopes of Mount Zion, "which abideth forever," and the secrets they longed to fathom here are revealed to them there, and they know "as we are known."

To bear witness of Mr. Cairns' noble labors in behalf of



the cause he loved so well, there remains a large collection of specimens. This is beyond a doubt the finest of North Carolina bird museums. Many organizations have already attempted to secure it. But let us as North Carolinians guard this collection as one of the treasures of our State, nor allow it to go beyond our borders. We would rejoice to know that Trinity could make this valuable acquisition to her store of scientific possessions.

W. K. BOYD.





### BOOK NOTICES.

*Guide to the Study of American History.* By Profs. Edward Channing and Albert Bushnells Hart, Harvard University. (Boston: Ginn & Co. 1896. Pp. xvi, 471). Students in American history have long felt the need of some such book as this. The development of the method of research in studying American history and the accumulation of an immense number of books on this subject have made a guide for the student a matter of necessity. Such a work would relieve the teacher of much drudgery, as well as give the advanced student a single view of the literature that he must handle. It would also be of service to a large number of students who have not the opportunity of wide reading at college or university. This want has been met by Profs. Channing and Hart. Drawing from their experiences at Harvard they have given in convenient compass much valuable information in regard to teaching history, a comprehensive working bibliography, and a long list of topics in colonial and national history. The work can but be considered an advance step in the study of American history.

*The United States of America, 1765-1865.* By Prof. Edward Channing, Harvard University. (New York: Macmillan & Co. 1896. Pp. ix, 352). This small work is intended primarily for the English public and in that sense it ought to be a success. It takes a sane view of points that have caused perplexity and is free from the blindness of national vanity. The origin of the Revolution is treated with broadness and the outbreak of the civil war is fairly put. As an outline for college classes in which much parallel reading is done Prof. Channing's work ought also to be a success. It will, however, be found too much abridged for the general reader.

*The True George Washington.* By Paul Leicester Ford. (Philadelphia: Lipincott. 1896. Pp. 319). Much of the heroic has undoubtedly encumbered the biographies of Washington. He has been deified and the reader has not always gotten what Mr. Ford would call a "true" picture—by which he seems really to mean a common-place picture. The worst part of this book is the title. One can applaud Mr. Ford for making this picture; for there are a large number of people who will be glad to know the minute facts of Washington's life, how he ate, how many teeth he had pulled, and the small talk about his private relations with women: but it will be hard to forgive that satisfied spirit which makes him consider his own the only "true" Washington. Apart from this there is much that is good in this book. It is based on a careful study of the Washington correspondence. The pictures of Washington's "Social Life," "Friends," "Enemies," "Tastes and Amusements," etc., are clear, easy, and but for a, perhaps unavoidable, lack of continuity they would be very interesting.

*Historical Briefs.* By James Schouler, with Biography. (New York: Dodd, Meade & Co. 1896. Pp. viii, 310). The many readers of the works of this indefatigable writer and genial gentleman will be glad to see this volume. It contains his most considerable magazine articles of recent years, besides two essays "Historic Monographs" and "Historic Style" which are here



printed for the first time. To these has been added a Biography. The fugitive works of a man who has attained equal distinction in legal and historical literature ought to interest the general public. Here we have Mr. Schouler in his most intimate relation. His quiet and strong personality appears in every paragraph. First in the series of essays is that on Francis Parkman, a faithful picture of a faithful man and writer. It is, however, the biography of Mr. Schouler that will most interest historical students. His life has been a busy one. Perhaps it is from his Scotch ancestry that he gets his power of work. The family, it may be said, is not German, as it so often supposed, and the name is pronounced "Schooler" and not "Schuler." A consulting lawyer in Boston, the author of several standard books in legal subjects, law lecturer, historian in no mean sense, lecturer in history, and writer on questions of passing political interests--these are the sides of this man's life. In each line of thought he has made many friends. Perhaps none of his friends will more appreciate this timely volume than those younger men, now in many parts of the world, who have sat under his faithful instruction at Johns Hopkins University.

*Life of Braxton Craven.* By Prof. Jerome Dowd, Trinity College, (N. C.) (Raleigh, N. C.: Edwards & Broughton. 1896. Pp. 245). If the life of any North Carolinian ought to be written it is that of Dr. Craven. In the hearing of the writer no man has been so often pronounced our greatest native citizen as Dr. Craven. His struggles in boyhood, his mastery of opposition, his loving work for young men, his sacrifices for education, and his death for Trinity College, the child of his hopes--all these measure his strength. Prof. Dowd has brought to his work much patience, love, wisdom, and insight. He has made a faithful picture. Dr. Craven began life as a poor boy in Randolph county, N. C. He came from the section which sixty years earlier had been the home of the Regulators. It was a democratic region and had almost no slaves. Had the boy been born in a section dominated by the slave-holding class he would not have had an opportunity of self-development. As it was he was taken by Nathen Cox, a kind hearted farmer of Quaker tendencies, sent for a time to the neighborhood school, and at length given a full opportunity to start even with the other boys in the community. The life of Dr. Craven cannot fail to be interpreted as a protest against slavery.

*The Economic History of Virginia in the Seventeenth Century.* By Philip A. Bruce, Corresponding Secretary of the Virginia Historical Society. (New York: Macmillan & Co. 2 vols. 1896. Pp. xix. 634, vi. 647). Adequate space is not given here to review so pretentious a work as this. Ever since the appearance of Weeden's *Economic History of New England* historical students have desired that some one would conduct a similar investigation in the southern colonies. Mr. Bruce, enjoying excellent faculties in connection with his position as Corresponding Secretary of the Virginia Historical Society, has undertaken this task for Virginia. He has succeeded in producing a valuable work of two solid volumes. It is to be regretted that he has found it necessary to confine his investigations to the seventeenth century.





It is to be hoped that the work may be continued beyond that limit and brought, according to the original purpose of the author, down to the civil war. Its scope may be indicated by the titles of some of the chapters: "Aboriginal Virginia, Its Physical Character;" "Indian Economy;" "Agricultural Development;" "System of Labor, the Servant—the Slave;" "Domestic Economy;" "Relative Value of Estates;" "Manufactured Supplies;" "Money" and "The Town." The style is not easy. Perhaps, it could not be made easy with such a mass of facts as is necessarily presented. The work is for students. It is a mine of information, not a machine of pleasure. It will stimulate research in Southern history and will afford writers of the history of other States than Virginia a basis of comparison that cannot fail to be of great benefit. Besides this, it is of much interest to North Carolinians; for until the eighteenth century North Carolina life differed in no important sense from that of Virginia.

*The Beginning of a Nation, with Special Reference to the Life and Character of the People.* By Edward Eggleston. (New York: D. Appleton & Co. 1896. Pp. xi, 377). Historical students have been expecting this work for some time. The reputation of the author as a writer of culture history makes its appearance a matter of interest. A number of articles on this phase of our history were published by Mr. Eggleston in the *Century Magazine* in 1892. From these he has drawn to some extent, yet the volume is substantially new. It comes fresh with the tone of the author's best manner, and holds one with the interest of Parkman's delightful style. It is clear, lively, and human. It has a rich background of life. He who reads it with the sense of an antiquarian may be disappointed; for it omits many of the minute points of the narrative. But the reader with a merely normal impulse, scholarly or otherwise, will find it very attractive. It is said in the preface that this volume is the result of many years of patient investigation. It treats of the colonies up to 1650. It is to be followed by others of like nature. How many are to be expected or how great a period is to be covered—we are not informed. It is to be hoped that the period will be long. It is impossible not to mention, also, the excellent manner in which the book is printed and the reasonable price for which it is offered.

JOHN S. BASSETT.





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AN  
ANNUAL PUBLICATION  
OF  
Historical Papers.

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LEGAL AND BIOGRAPHICAL STUDIES.

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*Published by the Historical Society of Trinity College,*

DURHAM, N. C.

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SERIES II

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Printed by the University of North Carolina Department of History

1893.

PRICE ONE DOLLAR.





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UNDER THE SUPERVISION OF THE DEPARTMENT OF HISTORY.

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## PREFATORY NOTE.

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The second series of the Trinity College Historical Papers represents work done mostly in the Trinity College Historical Society. The kind reception given to the first series by the public leads me to hope the same consideration may be given to the papers now issued. They are the outgrowth of the devotion of young men to the neglected field of Southern history. It is hoped that they may not be found useless in creating a better knowledge of Southern history among the people of our common country.

JOHN S. BASSETT,

May 16, 1898.

*Professor of History.*



# Historical Papers.

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## SERIES 2.

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### ASSASSINATION OF JOHN WALTER STEPHENS.

The year 1870 is one of the years that will go down in history as one of great social and political significance, and it well marks the culmination and the decline of the Ku Klux organization. Never before, nor perhaps since, was there a time when prejudice and feeling, intermingled with crime, ran so rampant along social and political lines. It was a time when the negro, or the white man who took any part with the negro in politics, on hearing after nightfall the clattering of horses' feet or the loud tap on his door, would feel his blood run cold in his veins for fear there was a raid on foot and perchance he might be the victim.

John Walter Stephens was born October 14, 1834, in Guilford county, N. C. His parents were good people, comfortably situated on a farm, and were consistent members of the Methodist church. His father died when he was about 18 years of age, leaving a wife, four sons and two daughters. Walter, with his brothers, lived on the farm and supported the family. A few years later he learned to make harness, and went into the harness business. His education was of a very ordinary sort, for he had only the advantages of the common schools. He studied a great deal at home, however. When he grew into more matured life he "often mourned his lack of education, and he used to say that was what every poor man owed to slavery."

In 1857 he married Nannie E. Walters, who died two



years later, leaving him a little girl one year old. At this time he was engaged in the harness business in Wentworth, N. C. In 1860 he was married the second time to Frances Groom, of Wentworth.

About this time he began to trade on tobacco, and connected himself with one Powell, a manufacturer. He worked as collector and agent for Powell, spending the greater portion of his time in Yorkville, S. C.

The war now came on and he went to Greensboro, N. C., and stood an examination, by which he got an appointment. He belonged to what was known as "press agents," a class of men who went over the country pressing horses to be used in the war. He was not in the war until its close, having from some cause been allowed to return to his home in Wentworth.

He was known by all as an honest, fair-dealing, christian man. He was a most loving husband and kind father, and an energetic worker in the Methodist church.

Soon after his return from the war he got into a difficulty with Tom. Ratcliffe. There was a grudge between the two in this way: William Ratcliffe went to Greensboro at the same time Stephens did to stand the examination for an appointment. Stephens was some sharper than William Ratcliffe and got the appointment. This angered his brother, Tom. Ratcliff, to some extent, and it seemed that he determined to get even with him for his brother's sake.

Tom. Ratcliffe lived next door to Stephens and ran a store just across the street. Ratcliffe's chickens—and he had a great many—kept using in Stephens' barn and eating up grain and other food stuffs. They were also destroying his garden. Stephens asked him to make some arrangement to prevent this. Ratcliffe, though warned several times, seemed to pay no attention whatever to the matter. One morning Stephens went down to his barn and found it well stocked with Ratcliffe's poultry. He at once made chase, caught two, and executed them on the spot. Call





ing to Mrs. Ratcliffe, who was in her garden near by, he told her that he had killed two of her fowls, and that she could have them, and that the cause of the killing was evident. She flew into a passion and would not accept the chickens, and Stephens, without having any words with her, good naturedly and smiling, carried them into his house and ordered them cooked. Ratcliffe is informed of it, and thinks that now is his chance. He goes to the court house and procures a warrant for the arrest of Stephens, charging him with having stolen the chickens. Stephens was arrested and placed in jail, where he remained all night. Early next morning he gave bond and returned home.

Ratcliffe was seated on his store porch enjoying the invigorating breeze of the early morning, chatting with some gentlemen. Stephens had very little to say; he was a man of very few words, and in this case he acted. Placing his revolver in his pocket, and taking up a large, heavy hickory walking stick, he went out and walked coolly and calmly across the street to Ratcliffe's store porch. He stepped up on the steps, and, without hesitating, struck Ratcliffe a heavy blow on the head. Lieutenant Baker, an enrolling officer, who was standing on the porch, interfered, and when he did so, Stephens pulled his pistol and began to shoot. When the smoke had cleared away Lieutenant Baker was found to have an ugly scalp wound; the ball, starting just over his eye, cut a deep furrow around to the back of his head. It was indeed a close call, but turned out nothing serious. Also Patrick Law, a magistrate's son, was accidentally shot through the arm.

At the magistrate's trial he was bound over to court. This affair would not have given him much trouble had he not gone into politics. Every politician then of any note had stolen either a cow, pig, horse or chicken, or was accused of it, especially if he happened to be a Republican.

After the above incident, when he entered the political



arena he was given the name of "Chicken" Stephens, by his opponents. This went much harder with him than it otherwise would have done for this reason: In 1866 he moved to Yanceyville, which is the county seat of Caswell county. He moved before court convened. The two places were only about 25 miles apart, and he awaited a summons to trial; but none came. Still other courts convened and the case was never called, nor did they send for him. Finally he learned that the case had been dismissed; and so he was never given a chance to exonerate himself or let the testimony come out in its true light.

All of his life up till about now, he had been a Democrat, but had never taken any very active part in politics. In Yanceyville he was engaged in the tobacco business for some time. Then he served the people for several years as Justice of the Peace in a very satisfactory manner. He had the respect and confidence of the entire county.

But now came the great turning point in his life. He changed from the Democratic party, with which he had voted so many years, to the Republican. The Republicans had a large majority in Caswell, consisting mostly of negroes. Stephens was at once recognized as leader of the Republican forces and received the nomination for the State Senate. He ran against Hon. Bedford Brown, a man who had been in the U. S. Senate for twenty years. This campaign was one in which much feeling was displayed. The neighbors and friends who had held Stephens in high esteem, turned their backs upon him and circulated slanderous reports concerning him. In fact, it may truly be said that he was socially ostracised.

Bedford Brown was old and experienced, and was thought to have manipulated the vote so as to be counted in. Stephens at once contested the election and obtained his seat. This victory immediately called forth the most bitter abuse that could be heaped upon him. He served one term in the Senate, was re-elected and served another. He con-





ducted himself in a manly and most dignified manner, and commanded the respect of that body.

When Stephens was nominated for the Senate, such a sentiment was worked up against him, and so diabolical were the threats made by the adherents of the opposite party, that for his protection at night he had his windows barred with iron and heavier locks put on his doors, and a number of fire arms, that would be available on short notice, placed in his home.

The Ku Klux were abroad in the land and nightly were they whipping, burning and hanging. These were the adherents of the opposite party and many nights Stephens heard them come, stop at his house and then ride on. They seemed to have no idea of attacking Stephens in his own house, as their actions plainly demonstrated; but they were continually warning him that, did he not leave the country, change his political affiliations, or cease to assume the leadership of the Republican party in that, the 24th Senatorial district, he might expect the worst, and that his wife would be a widow and his children orphans. So loud and strong were these threats, that for the protection of his family he had his life insured for \$10,000 and carried two deringers, one in each vest pocket, all the time. His position was a trying one, but he bore it heroically. He was ostracised, jeered at when on the streets, abused, villified and slandered, yet he went his way quietly and opened not his mouth. Finally he was expelled from the Methodist church for his political opinions.

It was in the campaign of 1870, on Saturday, May 21st, that there was a Democratic speaking and mass meeting in the court house at Yanceyville. Stephens lived almost in speaking distance of the court house and could get a plain view of it. He saw the people from the country coming in, and he decided that he would go over and see what was going to be done. He was in great danger and was conscious of the fact, but he went to show them that he was not afraid



to go, and also to see what tactics the Democrats would use in the campaign. When he started, his wife, trying to prevail on him not to go, said: "Mr. Stephens, you know that is a Democratic meeting, and I am afraid you will get into trouble." But on he went. He had to pass his brother-in-law's house and a niece came out and spoke to him. He told her he was going to the court house to the Democratic speaking. She tried to persuade him not to go, and said she feared there would be trouble. He replied: "I am not going to bother any one and one had better not bother me." She saw that it was of no use to talk to him longer, for he had determined to go. He little thought then that there had already been set a trap to catch him and put him out of the way, and that the Ku Klux were the planners. But such was the case; and they had laid their plans well. Before entering the court house he met ex-Sheriff Wiley, whom he had been trying to induce to run for sheriff of the county on the Republican ticket, as there were few in the Republican ranks who were competent to fill such an office. Wiley was a Democrat and seemed to be taken with the idea. He told Stephens that he would give him a definite answer before the day closed.

Stephens then entered the court room and sat down just in front of one of his brothers. Another brother was just across the aisle and a brother-in-law was also in the room. 'Squire Hodnett, one of Caswell's prominent citizens, was speaking. Stephens took out a note-book and pencil, and seemed to be jotting down some things the speaker was saying. The crowd cast very sour looks at him, and the speaker said: "Ah! there sits that Stephens now, taking notes." - From this he began to abuse him. Stephens said nothing, but a smile could be seen to play over his face occasionally.

Presently ex-Sheriff Wiley came in and touched Stephens on the shoulder, and said one or two words to him. He arose, and he and Wiley went out together. His brothers





noticed it, but gave it very little thought. There were scores in the room, however, who understood its meaning full well.

There was an old room in the lower end of the court house, on the first floor, which was formerly the clerk's office, but was now used for a wood room.

The speaking was over and he had not come home. Night came on and still he had not returned. Suspicion was aroused at once. His wife was almost raving and said she knew her husband had been killed, or he would come to her. She always knew where he was and knew when to expect him home.

His brothers went in search of him, and several other white citizens, on hearing of his disappearance, kindly volunteered to assist in the search. On making enquiry, this white man had seen him in one place, that one in another, and some saw him leaving town and so on, all about the same time. But strange to say, as many negroes as there were, not one of them had seen him leave the court house; and if any one would notice his movements it would certainly have been they, for he was all in all to them. It was settled in the minds of many that he was still in the court house, and it was immediately surrounded and every room in the house searched, except one, and the key to that could be found nowhere.

The negroes came in great numbers and said that they knew their leader had been killed, and that he was still somewhere in the court house. A careful watch was instituted for the night around the building. Although the negroes were satisfied that their leader had been foully dealt with, they made no demonstration except that of sorrow and grief, for they loved him. It is said that it was strange to see the troubled faces of the negroes on this night. They offered no violence at all, and during the whole night nothing but order prevailed. It is said by some who were on guard that night that they expected that at





any minute the Ku Klux would make a raid on them, but according to the watchmen's calculations, the Clan thought they had done a good day's work and would rest for the night. Another thing was noticeable: As many white people as there were on the streets when the search was begun, they had quietly broken up in small groups and talked in undertones, and then quietly departed for their respective homes early in the evening, seemingly not aware that the leader of the Radicals was missing and that it was causing much concern among his followers.

At the first appearance of light next morning, a tall negro mounted the shoulders of another and looked through the window of the wood room, which could not be opened on the night before. There a horrible sight met his vision. The long, slender body of Stephens was lying on a pile of wood with a slip noose around his neck. The noose was buried deep in the flesh and the jugular vein was cut. The coroner, Dr. Yancey, who was near by, was immediately sent for, and the door was forced opened. The coroner was the first one to enter. Upon examination it was found that, besides being strangled and his jugular severed, he had been stabbed twice in the region of the heart and his leg broken. Beside him lay his hat and the bloody dirk with which he had been stabbed. The two deringers which he was known to have had, on going to the court house, were gone; but his gold watch and chain were still on his body. There were only a very few drops of blood on the floor and one on the window-sill. It was quite evident that the assassin, after committing the deed, had gone out at the window, for the door was found to be locked and thumb-bolted on the inside.

The coroner's inquest resulted in the decision that the "deceased had come to his death by the hands of some unknown party." It seemed to all, who really knew the depths to which politics and some political leaders had sunk, and the great extremes to which so-called good citi-



zens would go, before they would see the black man led to an honest victory, just this: When he left the court-room with ex-Sheriff Wiley he was decoyed down to this room, pushed in, seized and given no showing, deprived of his weapons and rendered helpless. He was then foully assassinated in sight of his own home. From the window of the room could be seen his two little girls playing on the lawn. The body was removed to his home and buried in the afternoon, which was Sunday afternoon, a large number of the citizens attending the funeral; and, to be plain, no doubt some of his assassins were attendants. Suspicion pointed to several prominent citizens, but it seemed impossible to get any evidence on account of the Ku Klux organization, which had now, as it always had, power to execute any plan or purpose however questionable, and then have the assurance that it could not be proved on them.

Some weeks after, Governor Holden ordered Kirk's men to Yanceyville to investigate the matter, make arrests and endeavor to bring the criminals to justice. They were about three hundred in number, with Kirk, Major Yates and Colonel Burgen at their head. It was a rough and reckless, but determined band.

There was a Democratic speaking in the court house and Hon. J. M. Leach was speaking. It was whispered about among the negroes that Kirk's men were coming. The negroes seemed to know all about it. They would say Kirk's men were so many miles away, soon they would say they were at such and such a point, and at length they said "they are here." One who had been catching these whisperings among the darkies looked out of a window, but immediately took his head back in, for around the court house, with guns pointing up at the windows and looking determined, were Kirk's men indeed. Guards were placed in the hall and at the doors, and no one was allowed to go out. The affair seemed to have been worked up well before





hand, for Major Yates immediately entered the room with a posse of men and with a long list of names, and began to make arrests.

Mr. Leach, the speaker, when he saw the uniforms, glittering swords and large guns proceeding down the aisle, very gracefully bowed and said he would resume his speech under more favorable circumstances.

The first person arrested was an old man named Bow. When told to consider himself under arrest, he jerked back violently and straightened his arm to its full length at the face of Major Yates. The Major said nothing, but drew his revolver and fired a shot over Bow's head. This was enough, and the remaining arrests were made without anything to mar the solemnity of the occasion.

Colonel Burgen, by this time, was on his way with a posse of men, to ex-Sheriff Wiley's home, some seven miles distant in the country. He was found in his field and tied on a bare-back horse. His hands were tied behind him and his feet tied together under the horse. In this manner he was brought to Yanceyville and placed under guard. He was afterwards carried to Graham, together with the others who had been arrested.

District Judge Bond issued a writ to have Wiley and the others brought to Raleigh for trial. They went. The trial lasted for many days, but the testimony amounted to very little in solving the mystery and proving who did the killing. This was so because the witnesses largely belonged to the Ku Klux, and they swore in favor of each other. The jury, too, no doubt, was composed of members of the same organization. Wiley testified that he called Stephens out to tell him he could not run for sheriff on the Republican ticket, and that he left Stephens at the bottom of the steps, went across the street and saw no more of him. Others corroborated his statement, and finally it ended in an acquittal of all. This was a time when "ignorance was bliss," for it was certainly "folly to be wise," especially so if one told what he knew.



Hamp. Johnson, an old negro living only a few feet away from the room in which Stephens was killed, whispered it among the negroes that he saw those who went in the room and heard a tremendous scuffle. But the Ku Klux, it was thought, found the means of silencing him, for "Old Hamp" never after that knew anything at all and lived in good style without working.

Some years ago ex-Sheriff Wiley was on his death-bed, and it is said that he was raving and continually talking of Stephens, saying that he could see him and that he had helped to kill him. This report, however, was denied by his friends.

Less than two years ago Felix Roan, a citizen of Yanceyville, died; and it is reported that before he died he confessed that he helped to assassinate Stephens, and that Wiley also helped. The newspapers reported it, saying that Stephens' widow was present and Roan asked her forgiveness before he died, and that Mrs. Stephens said she would forgive him. It is almost a settled thing in the minds of many people who remember the occurrence, that Roan helped to assassinate Stephens and that he confessed it on his death-bed. But his friends and relatives denied it, and it was soon covered up. As to Mrs. Stephens forgiving him, that is entirely untrue, for she had then been dead three years.

Other cases have been reported in which certain men on their death-beds have made, or have tried to make, confessions concerning this assassination, but they were silenced or suppressed.

John Walter Stephens' courage and organizing ability was unquestioned, and under his lead it was known that Caswell county would continue to give an "overwhelming Radical majority, and for this he was killed. He gave up his life for the rights of the people—the right of equal manhood suffrage." He was unswerving in his brave adherence to the principals he professed. He crowned a





worthy life by a martyr's death; he was pursued with fearful malice and bigoted hate to the very portals of the tomb. The perpetrators of this foul deed have escaped the punishment of their crime, at least by the law.

LUTHER M. CARLTON.

NOTE.—The material for this paper is taken from family records, and statements of citizens who are thoroughly acquainted with the incidents related.

L. M. C.

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### THE CASE OF THE STATE VS. WILL.

One of the most remarkable cases ever tried in the North Carolina courts was the case of *The State vs. Will*. It was the most important case on the subject of slavery and fixed a slave's right to defend himself against the cruel and unjust punishment of a master. It was decided at the December term, 1834, of the Supreme Court (*State vs. Will*, 1 *Devereux and Battle*, 121-172). The facts of the case are as follows:

Will was the slave of Mr. James S. Battle, of Edgecombe county, and was placed under the direction of an overseer named Richard Baxter, a man whose temper differed materially from that of his pious namesake. On January 22, 1834, Will and another slave had a dispute over a hoe which Will claimed the right of using exclusively, since he had helved it in his own time. The foreman, who was also a slave, directed another negro to use the hoe, whereupon Will, after some angry words, broke the helve of the hoe and went off to work at a cotton screw about one-fourth of a mile away. The foreman reported the matter to Baxter, who at once went to his own house. While there his wife was heard to say: "I would not, my dear," to which he replied very positively: "I will." He then took his gun, mounted his horse, and proceeded to the cotton screw, ordering the foreman in the meantime to take his cowhide and follow at some little distance. He approached unobserved to Will, who was throwing cotton into the press, and ordered





him to come down. The slave complied, taking off his hat in an humble manner. The two were heard to exchange some words, which were not understood, and then Will began to run. He had gone ten or fifteen yards when Baxter fired, filling with shot a place twelve inches square in the back of the fugitive. Testimony showed that this wound might have proved fatal; but the terrified slave continued to flee. After a moment the overseer directed two other slaves to pursue him through the fields, saying, "He could not go far," while he himself left his gun and rode around the field. Here he met the fugitive and pursued him on foot. He soon overtook and collared him. At this time Will had run more than five hundred yards and not more than eight minutes had elapsed since he was shot. Stinging and bleeding from the wounds of that outrage and fearing a worse punishment all his instincts of self-preservation were aroused. He closed with his antagonist and in the struggle drew a knife and got his adversary's thumb in his mouth. The pursuing slaves now coming up were ordered to take hold of the enraged negro. In striking at these new foes Will wounded the overseer in the thigh. In further struggling he wounded him with his knife in the upper arm, and it was this wound that proved fatal. After dealing these blows the slave released Baxter's thumb and escaped to the woods; but later in the day of his own accord he surrendered himself to his master. The next day he was arrested. On being told that Baxter had bled to death from the wound in the arm, he exclaimed: "Is it possible!" After the escape of Will the other slaves found the overseer sitting where the struggle had been. He said to them: "Will has killed me; if I had minded what my poor wife said I should not have been in this fix." Will was tried in the lower court and convicted of murder. His plea was that he had been under the impression that his life was in danger and that the crime ought accordingly to be reduced from murder to



manslaughter; and on the strength of this plea he appealed to the Supreme Court of the State. In this court he was represented by Bartholemew F. Moore, then a young lawyer of no great reputation, and George W. Mordecai. Against him was the Attorney-General, J. R. J. Daniel.

It is the argument of Mr. Moore and the decision it won that has made this case famous. Bartholemew Figures Moore was born on January 20, 1801, near Fishing Creek, Halifax county. His father, James Moore, was a man of little wealth. The boy spent his early years on his father's farm and in attendance on such schools as were at hand. Not born to wealth he learned from the first to have sympathy for the lowly, and he retained throughout a long and active life a deep confidence in the common man. He studied in the school of Mr. John Bobbitt, of Louisburg, N. C., and in 1820 graduated at the University. He then studied law and in 1823 began to practice it at Nashville, N. C. It was a hard struggle for a young man starting a profession in those days without influence or position. He worked with quiet determination, reading assiduously. At the end of seven years he had made, it is said, only seven hundred dollars by his profession; yet the first five hundred that he had he spent in travel. In 1835, after twelve years of struggle in Nash, he returned to his native county and settled on a small farm near the town of Halifax. At this time his reputation had begun to broaden and success came more rapidly. He was thrice chosen to the General Assembly, and in 1848 he was appointed Attorney-General of the State. In the same year he removed to Raleigh, where he afterwards resided. In 1850 he was appointed a commissioner to prepare the Revised Code of the laws of the State, which was afterwards published in 1855. When the issues of the war came on he took a strong position against secession and expended all his energy to prevent that movement. In his will he said of this phase of his life: 'I was unable, under my conviction of the solemn duties of patriotism, to





give any excuse for, or countenance to, the civil war of 1861, without sacrificing all self-respect. My judgment was the instructor of my conscience and no man suffered greater misery than did I, as the scenes of battle unfolded the bloody carnage of war in the midst of our homes. I had been taught under the deep conviction of my judgment that there could be no reliable liberty of my State without the union of the States, and being devoted to my State, I felt that I should desert her whenever I should aid to destroy the Union." After the war he was invited to Washington to consult with President Johnston in regard to the future policy with respect to the State. His advice was immediate restoration to the Union. The policy of negro suffrage and military rule later adopted he opposed continually. Though a Republican he opposed the excesses of that party in politics. He continued for the most part in private life until his death, November 27, 1878. His painstaking and laborious study of the law had brought him ample reward. At his death his estate was valued at more than \$600,000.

It was while struggling against many odds at Nashville that he was retained in the case of *The State vs. Will*. I have been unable to learn under what circumstances he came to be interested in this case. It is possible that this being the case of a slave it was thought that there was no need to be careful in selecting a lawyer. Yet it must be confessed that such a surmise is not in keeping with the feelings of humanity and honor which have usually characterized members of the family of which Will was the property. At any rate no better lawyer, as the event showed, could have been employed.

The point of the case was the right of a slave to defend himself on due provocation from his master or from anyone in the position of the master. Would the provocation, which in the case of a white man would mitigate murder into manslaughter, be good in law in the case of a slave? Of



course such a problem involved the whole relation of a slave to his master. It was of special importance at this time because, as Mr. Moore said in opening his argument, there was then a tendency in public opinion to consider "that any means may be resorted to to coerce the perfect submission of the slave to the master's will; and that any resistance to that will, reasonable or unreasonable, lawfully places the life of the slave at the master's feet." It was necessary, he added, to find the line "between the lawful and unlawful exercise of the master's power."

The "tendency" here referred to had been indicated five years earlier in the case of *The State vs. Mann* (2 Devereux, 263), in which the point was decided as to a master's liability for a battery inflicted on his slave. Then it was decided that a master was "not liable for an indictment for a battery committed upon his slave." The opinion was delivered by Judge Ruffin, who said, and his words sound like the sentence of fate for the unprotected slave: The end of slavery "is the profit of the master, his security, and the public safety. The subject is one doomed in his own person and his posterity to live without knowledge, and without the capacity to make anything his own, and to toil that another may reap the fruits. What moral considerations shall be addressed to such a being to convince him, what it is impossible but that the most stupid must feel and know can never be true, that he is thus to labor upon a principle of natural duty or for the sake of his own personal happiness? Such services can only be expected from one who has no will of his own, who surrenders his will in implicit obedience to that of another. Such obedience is the consequence only of uncontrolled authority over the body. There is nothing else that can operate to produce the effect. The power of the master must be absolute to render the submission of the slave perfect. I must freely confess my sense of the harshness of this proposition. I feel it as deeply as any man can. And





as a principle of moral right every person in his retirement must repudiate it; but in the actual condition of things it must be true. There is no remedy. This discipline belongs to the state of slavery. They cannot be disunited without abrogating at once the rights of the master and absolving the slave from his subjection. It constitutes the curse of slavery to both the bond and free portions of our population."

The harshness of this opinion strikes us more forcibly even than it struck the illustrious judge who delivered it. Yet it is not difficult to see that it grew logically out of the theory of slavery. To overthrow it demanded a sagacious appeal to the humane spirit of the court. That was the line followed by Mr Moore. In opening his argument he laid down two propositions: "1. If Baxter's shot had killed the prisoner, Baxter would have been guilty of man slaughter at least; and 2. This position being established the killing of Baxter under the circumstances related was manslaughter in the prisoner." It was on the former of these propositions that he was confronted with Judge Ruffin's opinion in *The State vs. Mann*. Of these sentiments he said: "It is humbly submitted that they are not only abhorrent and startling to humanity, but at variance with statute and decided cases." "Absolute power," he continued, "is irresponsible power, circumscribed by no limits save its own imbecility and selecting its own means with unfettered discretion." The language of the court would have applied to slavery in ancient Rome or in Turkey, but it was in direct contradiction to the opinion of our own Judge Henderson, who had said that the master's power extended "to the services and labor of the slave and no farther," and that the authority over his life was reserved to the law. Judge Ruffin had added to his opinion the statement that he was gratified to know that public opinion would protect the slave from abuse under the harsh ruling of the law. This is an excuse that the





apologists of slavery to this day have not ceased to repeat. It was met by Mr. Moore most effectively: "Wherein lies the necessity to clothe the master with absolute authority over the slave? If this necessity exists public sentiment is not so strong as is claimed. If it does not exist 'the power is given for abuse and not to accomplish the object of slavery.' It would seem that the result of the opinion of the court was 'to teach the kind master how merciful and moderate he is in the midst of such plentitude of power and the cruel one how despised and desecrated he will be if he uses its legal license.'"

It is impossible to summarize here all of Mr. Moore's argument; yet I cannot refrain from introducing one eloquent outburst. Judge Ruffin had said in the opinion already quoted that the slave must be made to realize that the master's power was "in no one instance usurped." This, exclaimed the generous attorney, repressed thought and "reduced into perfect tameness the instinct of self-preservation," a result difficult to accomplish and lamentable if accomplished. But if the relation of slavery required "that the slave shall be disrobed of the essential features that distinguish him from the brute, the relation must adapt itself to the consequences and leave its subjects the instinctive privileges of a brute. I am arguing no question of abstract right, but am endeavoring to prove that the natural incidents of slavery must be borne with because they are inherent to the condition itself; and that any attempt to punish the slave for the exercise of a right which even absolute power cannot destroy is inhuman and without the slightest benefit to the security of the master or to that of society at large. The doctrine may be advanced from the bench, enacted by the legislature, and enforced with all the varied agony of torture and still the slave cannot believe and will not believe that there is no one instance in which the master's power is usurped. Nature, stronger than all, will discover many instances



and vindicate her rights at any and at every price. When such a stimulant as this urges the forbidden deed, punishment will be powerless to proclaim or to warn by example. It can serve no purpose but to gratify the revengeful feelings of one class of people and to inflame the hidden animosities of the other." Was ever the cause of the slave pleaded more eloquently in the land of freedom than by this son of the yoeman class before the highest tribunal of the land of slaveholders?

Attention was then turned to the question of provocation. Could a slave be provoked in law? Had Will been a white freeman or an apprenticed freeman, the crime would have clearly been manslaughter. Mr. Moore demanded for the slave all the consideration of a white man under like conditions, to whom he was simliar in feelings of resentment and in the instinct of self-preservation. The law had not required him to extinguish this instinct, and he accordingly had full right to plead a legal provocation. In conclusion the counsel referred to the necessity of defining the position of a slave in regard to his life. "I feel and acknowledge," he said, "as strongly as any man can the inexorable necessity of keeping our slaves in a state of dependence and subservience to their masters, but when shooting becomes necessary to prevent insolence and disobedience it only serves to show the want of proper domestic rules."

The slave Will was as fortunate in his judge as in his counsel. On the bench was William Gaston, as noted for his humanity as for his ability in his profession. To him fell the duty of writing the opinion. The task was performed clearly and emphatically. It was all on the side of the prisoner, clearly giving him the right of defence against his master's attempt to take his life. It declared: "Unconditional submission is, in general, the duty of the slave; unquestioned power is, in general, the legal right of the master. Unquestionably there are exceptions to this rule.





It is certain that the master has not the right to slay his slave, and I hold it to be equally certain that the slave has the right to defend himself against the unlawful attempt of his master to deprive him of life. There may be other exceptions, but in a matter so full of difficulties, when reason and humanity plead with almost irresistible force on one side, and a necessary policy, rigorous, indeed, but inseparable from slavery, urges on the other, I fear to err should I undertake to define them." The court hesitated to define exactly a legal provocation in a case like this. It did say that if a slave were excited into unlawful violence by the inhumanity of his master, it ought not to be concluded that such passions sprang from malice. "The prisoner is a human being," said the court, "degraded by slavery, but yet having 'organs, senses, dimensions, passions,' like our own." On the evidence no malice could be found, and, it was concluded, none had existed. The killing was accordingly a felonious homicide and not murder.

It was a notable victory and reflected as much credit on the State as on the brilliant and humane lawyer who had won it. It was quoted and commented upon extensively throughout the Union. It fixed forever afterwards the rights of a slave in cases like the one under consideration. In not another instance was a case of kindred nature brought before our courts. Most important of all it was a triumph of humanity and served to commit our law of slavery to a more lenient policy than existed in some other States.

JOHN S. BASSETT.



## WILLIAM J. YATES.

William J. Yates was born in Fayetteville, N. C., August 8, 1827. His father was an invalid, and was what was known in those days as a "wheel-wright." His mother was a member of the M. E. Church for seventy-two years, and she neglected none of the training that her son ought to have. The grandparents of Mr. Yates were English and Welsh, having come direct from Great Britain to this country. From boyhood he was thrown upon his own resources, and gladly assisted in the support of his mother and the younger children. Early in life he showed great devotion and tenderness to his mother, and this feeling was kept up through life, for after he left his old home he made his annual pilgrimage to Fayetteville to see her. He would make any sacrifice for her happiness, and a portion of his first earnings were spent in purchasing a house and lot for her.

Mr. Yates' first permanent employment was in the printing office of the *North Carolinian*, a paper published in his own town, where he served as an apprentice for about seven years. At the end of this time he became a "journeyman printer" in the same office, receiving a few dollars per week for his labor. This enabled him to lay by a little money to be invested in something at a suitable time. The struggles of Mr. Yates' early life for an education are among the most conspicuous in the annals of the State. He was educating himself, and he had not the advantages of a college or university training, yet he was very eager to appropriate every idea that would benefit him in after life. He seems to have known in early life what his mission was, and therefore he began it with great earnestness and anxiety.

As a printer and journalist he was trained in the old school, which embraced such men as the able and celebrated E. J. Hale, editor of the *Fayetteville Observer*, and R. K.





Bryan, editor of the *North Carolinian*, both of whom were the soul of honor and of exceptional ability. These men were in active life while Mr. Yates was young and ambitious, and many were the valuable lessons he learned when he came in touch with them. Besides, they were in great sympathy with the young man, and encouraged him in his chosen field. His labor was not to go unrewarded, and at the age of twenty-seven he purchased the *North Carolinian*, and published it for a time. This step seemed to broaden him, and from that date he became one of the best thinkers in the State. The question as to what to do in an emergency never troubled him for a moment. He could weigh all the advantages and disadvantages of a proposed measure instantly, and with marvellous precision. This caused him to become a leader of opinion, and he was consulted frequently, both in private and public matters. His sound judgment and his strong moral character made him a safe adviser. "He was religious by nature and training, and his moral principle was granite."

The personal characteristics of Mr. Yates are especially striking. He abhorred any semblance of external show or anything that savored of vanity or egotism. These qualities were odious to him, and when met in a man always produced a look of disgust in his face. Those who knew him intimately say that a poor person never appealed to him in vain. He would give the last penny he had to one who actually needed it.

His foresight was phenomenal, especially in politics, where he seldom made a mistake as to men or measures. It is related of him that his judgment in matters of politics was so much sought after that the question, "What does Mr. Yates say?" was asked on every hand. People looked to him for the solution of questions which they could not decide at once for themselves. Breaking a promise was something that was utterly unknown to Mr. Yates. No matter how little the promise might involve, he would not





break it. He was also very kind to young men. He never tired in his attentions to young men in that line of business which was his life vocation.

Mr. Yates was once asked the secret of his success, and he very readily replied, "that it was owing to his individual efforts (blessed by a kind Providence), close attention to business, complying strictly with every promise made, studying hard, working hard, the use of the proper economy, and never engaging in but one business at a time: that of publishing a newspaper." And that *was* unquestionably the secret of his success. He never neglected any duty, never tried to do but one thing at a time, and never gave up a task till it was finished, though he was often forced to work till eleven or twelve o'clock at night.

Mr. Yates' love for the "Old North State" was akin to idolatry. He loved the masses, and may be called a man of the common people. With a wonderful rapidity he surveyed the various institutions of the State, saw their greatest needs, and proposed remedies for their deficiencies. He loved everything that tended toward the development of our resources, and he was never better pleased than when some movement was inaugurated for the uplifting of his fellow-men. He always attended the State Fair, believing it his duty to advocate every measure that might promote the best interests of North Carolina. Nothing that appealed to the philanthropist or the patriot failed to appeal to him. He had great State pride, and always felt that there was something great in the people of his own State. He reviewed the internal improvements of the State with a keen interest. He was always their strong advocate and promoter, and never failed to take a firm stand on every issue that involved the welfare of the citizens of North Carolina. Some one has said: "He was the best exemplar of home institutions and home rule we have ever known. For a man of his strong feelings and positiveness, he was the most conservative writer and adviser we have ever seen."



The State of North Carolina owes Mr. Yates an inestimable debt for the fight he made for education. He was one of the pioneers in the cause of the common schools of the State. He realized that in education there is power, and he registered his vow to disseminate the truth throughout the State. A higher type of citizenship was the burden of his heart, and he thought that this could best be secured by a system of good public schools. He was ahead of his contemporaries in his ideas of education, and we are just beginning to realize what he stood for in this field.

Mr. Yates was an earnest and consistent Democrat, having voted the straight ticket at every election; yet he never failed to criticise severely any wrongs in his own party. His strict loyalty did not make him blind to faults that needed correction, and his liberal views did not cause him to ignore a good measure in the Republican party. His partisanship never made him offensive.

In the fall of 1856 he sold his paper in Fayetteville and moved to Charlotte, N. C., and took charge of the *Democrat*, which paper he conducted till his death. Mr. Yates' strict business principles are best seen in his management of this paper. He published it for about thirty-two years, and during that time it never came out as a half-sheet on more than one or two occasions, and this would not have occurred, probably, had it not been for a destructive fire and the collapse of an adjoining building, which made it necessary for him to vacate his office. He had lofty ideas about journalism, believing that his greatest service to the State would be the publication of a clean newspaper. Not a single time did he debase it for any notoriety, his good judgment and modesty would not allow anything in its columns that would reflect upon the dignity of the distinguished editor. Through its columns he reached the people of the State as few editors have ever done. Back of every editorial was unchallenged sincerity and allegiance to every good cause, so his paper could not fail to have great weight





and influence where it circulated. His was one of the few permanent newspaper successes in North Carolina.

Mr. Yates' influence in politics was felt throughout the State. This was, doubtless, due to his remarkable foresight and the readiness with which he solved problems that demanded immediate attention. His love for politics never made him an office-seeker, but on the other hand, the office frequently sought him. During the earlier days of his life, official honors were repeatedly offered to him, but in every case he declined, believing that he could serve the State better in journalism than in office. Non-partisan offices were the only offices he would consent to fill. He stands out in bold relief as the typical citizen of North Carolina who cared nothing for the little offices that almost craze the minds of the politicians of to-day. Patriotism and love of state, not love of office and money, were the great principles that actuated him to service. He was broader than any political party, he was even broader than the State he served. His great popularity and influence led him to be chosen a member of the Council of State during a portion of Governor Ellis' administration in 1859 and '60. He also held the directorships in two railroads while they were being built, the Carolina Central and the Charlotte Air Line. In addition to these positions of trust, he served on what was known at the time as the "Literary Board" of the State, which board had the power to distribute the money set apart for the public schools before the war. Mr. Yates was also chosen a Trustee of the State University, which place he filled for a few years.

To show further that he touched the interests of the State in other respects, it is necessary to mention his appointments by the Executive of the State at different times. Reposing special trust and confidence in his integrity, the Governor, Thomas Bragg, in the year 1856, appointed him a delegate to the Southern Commercial Convention which met at Savannah, Georgia, in December of that year. In



1880 Governor Jarvis appointed Mr. Yates on a committee from this state to meet similar committees from Virginia, Tennessee, and South Carolina, to make arrangements for the celebration of the Battle of King's Mountain, which was to take place in October. Seven years later Governor Scales appointed him as a delegate to the Southern Forestry Convention which met at Huntsville, Alabama. Other minor appointments were made, but the above are sufficient to show what his attitude was toward every interest of the State.

The labors of this noble son of North Carolina for the insane have endeared him to every citizen. When the Insane Asylum at Morganton first threw open its doors, he was elected director, and he entered the service with all the earnestness of his soul, visiting the institution each month during his connection with its management. A very pleasant incident is told of him while he was director. His frequent visits made him so popular with the demented inmates that it became necessary for him to go through the asylum in disguise, in order to avoid the numerous kisses and embraces with which they saluted him. This did not secure immunity for him for any length of time, for they soon learned again who he was and the trick he was playing on them. No labor in which Mr. Yates ever engaged afforded him more pleasure than this labor for the unfortunates of the State. The directorship was an office which he really cherished. At his death the Board of Directors drew up resolutions of respect, an extract of which will show in what high esteem he was held: "To his wisdom, sagacity, and devotion is due, in large part, the efficiency with which the institution is to-day fulfilling its humane mission."

The best testimonials of the worth of this distinguished man to our State are to be found in the expressions of regret that followed the consolidation of the *Democrat* with the *Southern Home*, a paper published by Mr. J. P. Strong.





The paper resulting from the consolidation about October, 1881, was known as the *Charlotte Home and Democrat*, but Mr. Yates continued his connection with the paper, keeping up that great reputation he had for writing sensible and interesting articles. The *Fayetteville Examiner*, commenting on the consolidation of the papers, said of Mr. Yates: "His strong sense, independent judgment, and honest expression of opinion have obtained for him a high position among the journalists of the State, and secured great influence for the journal which he has for twenty-odd years conducted." The *Raleigh Biblical Recorder* said of him: "His paper has been a great favorite in this office. We liked his sensible and independent way of putting things." The *Charlotte Observer* paid Mr. Yates a high compliment in the following extract: "The *Charlotte Democrat*, under his management for nearly thirty years, has taken hold of the confidence of the people to an almost unprecedented extent. Conscientiousness has been its distinguishing feature and Mr. Yates' claim to that virtue in his valedictory is founded in obvious justice." For fear our testimonials become tedious, we shall desist from citing any more in this connection. Suffice it to say, that the newspaper fraternity from one end of North Carolina to the other, spoke in terms of great praise for the veteran editor of the *Democrat*. He was regarded by them all as one of the best newspaper men in the State. Men of both political faiths were sorry for him to give up his own paper, but his good judgment told him it was the thing for him to do.

After Mr. Yates moved to Charlotte he became identified with the people, and his name was loved in every household. He was a leading spirit in every movement that meant the upbuilding of the town in which he lived. Business men, doctors, lawyers, and bankers respected his intellect, for he was able to grapple with the profoundest problems of society. Dr. Jno. H. McAden said of him:





"He conducted the best weekly paper in the South, and made a continuous success as an editor." Mr. H. C. Eccles, a citizen of Charlotte, paid him the following tribute: "He was a good and valuable citizen, and his place in this community will be hard to fill. He will be missed as few men are."

Mr. Yates' phenomenal success as an editor should be an encouragement to the newspaper men of North Carolina. In his life is an example of consistency, honesty, and morality unsurpassed by few men that the State has produced. His one great aim was service, and in the service of his fellow-men he died. His death occurred October 25, 1888, after having spent that day in his office writing for his paper. The subscribers to his paper read the articles written by him the day before his death, while the brain that inspired them was deadened to all earthly things. His death was, indeed, lamentable, and in his demise the State lost a venerable citizen, a celebrated journalist, and his wife a devoted husband. No more loyal man could be found. He was faithful to every duty that devolved upon him. His sincerity and allegiance were proverbial. "He was an ideal elder brother." His hopes were concentrated in his brother, E. A. Yates, and him he encouraged and helped to educate, thus preparing him for that great sphere of usefulness which he fills to-day as a member of the North Carolina Conference. The inspiration from such a life as that of William J. Yates should be sufficient to show the editors of North Carolina that there is a great work for them. He has placed before them ideals lofty and pure. May they all be as faithful to their fellow-men as he was. If they will follow the lines marked out by him, there need never be any fear for North Carolina's journalism.

ZEB. F. CURTIS.

NOTE.—The material for this paper is taken from old papers and clippings belonging to the various members of Mr. Yates' family. Z. F. C.



## WHAT I KNOW ABOUT "SCHOCCO" JONES.

Leaving out the early chronicle of Lawson, we have had four formal histories of North Carolina, Lawson's being a diary of his journeyings on his professional business of a surveyor, and the history written by Joseph Seawell Jones, of Warren county, North Carolina, being called "Jones' Defence of North Carolina." "Schocco" was a pseudonym, adopted probably because he was born near Shocco Springs, in Warren county, N. C., a place of fashionable resort then, and for some years after. Jones was a young man, full of enthusiasm, with an intellect of brilliant rather than substantial type, with eccentricity on the border line of insanity, sometimes considered the genuine article, and with a love of the sensational, which was the ruling passion of his soul. With the addition of that passion by which Wolsey and the "angels fell," you have a pen picture of a North Carolinian of the olden times, who filled a large space in the public eye of the State and whose sad history was a romance and a failure.

"Jones' Defence of North Carolina" was a development of the period. Dr. Williamson's History of North Carolina had been a failure as a history and not a success as a medical disquisition upon the fevers of Eastern North Carolina.

Xavier Martin's History succeeded Williamson's, and but for his removal from the State in the first years of the nineteenth century and the subsequent loss of his historical materials, his history would have supplied a great want.

Then came a long interval of quiescence about the State History, and its first revival was by the publication of some accounts referring to the Mecklenburg Declaration. It attracted considerable attention in the State, and the subject was given a new interest by the publication of a correspondence between ex-Presidents John Adams and Thomas Jefferson, in which correspondence Mr. Jefferson





had charged that the Mecklenburg Declaration was a fraud, and in connection with it had made some unjust imputations upon the patriotism and loyalty of the North Carolina representatives in the Congress of the Revolution. It excited a furor in the State. It touched our patriotism at the nerve centre. In this tide of popular sentiment in North Carolina, "Schocco" Jones was thrown upon the top of the wave of public indignation. He was fashionably connected, an habitue of the elite society of Shocco Springs, a native of the historic county of Warren, young, ardent and aggressive, and with an individuality of the most eccentric character. Voluble to a degree, his progress was not handicapped by modesty. The man and the occasion met. Jones had literary instinct, ambition, culture to some extent, and surely Mr. Jefferson was an antagonist worthy of his steel. He had the social feeling inordinately, travelled much, knew everybody, and wished to know everybody else, and his purpose to launch a shaft at the memory of the sage of Monticello became widely known. He became a pet of the distinguished men in North Carolina, and men whose lineage ran back to the foundation of the State were fired by his patriotic enthusiasm, and made him the custodian of their valuable family records, which he had no talent for preserving. It was proclaimed that he would prove that Mr. Jefferson was a plagiarist and that he had the Resolutions of Mecklenburg county on his table when he wrote the National Declaration of Independence.

"Jones' Defence" appeared and it added fresh fuel to the flame of patriotism. It did not give entire satisfaction to the mature judgment of the State. Some said it was inaccurate in statement, and others that it was too "efflorescent in diction," but it fired the youthful mind and was the basis of many a college essay and declamation.



## PERSONAL RECOLLECTIONS.

About the time the "Defence" made its appearance, or while in the throes of expectancy, we were a Freshman or Sophomore at the University, and the news spread through the college that "Schocco" Jones was in the village and had come through the campus riding upon the shoulders of a stalwart negro. We were the librarian of the Philanthropic Society and on duty when the news reached us. Soon after, there came into the Library Hall a man, swarthy, tall, long-haired, wild-eyed, who introduced himself as Jo. Seawell Jones, of Shocco. He was attended by several students. The conversation was led by Mr. Jones, and it soon fell into the subject of his "Defence of North Carolina." His whole soul seemed absorbed in the subject. He was unsparing in his denunciations of Mr. Jefferson. He stated that he was then engaged in preparing a "Picturesque History of North Carolina" to follow the "Defence of North Carolina." We suppose now, that he meant an "Illustrated History of North Carolina," as he casually referred to some of the historic scenes on Roanoke Island.

We neither saw nor heard any more of "Schocco" Jones, except occasional mention of his being in Washington, and his prominence in society circles, until about 1836. Meanwhile his "Defence of North Carolina" had been generally read and it had various comments. It became a pyre at which the torch of patriotism was fired.

About 1836 it was reported in North Carolina that "Schocco" Jones had been involved in an angry personal dispute in Rhode Island, with a citizen of that State, about the Revolutionary history of North Carolina, which had resulted in a challenge from Jones to the field of honor. The challenge was said to have been accepted and the fight was to come off at an early date. In a short time came a Proclamation from the Governor of Rhode Island, forbidding the violation of the peace within the bounds of Rhode Island. A counter proclamation was promptly issued by





Jones, in which he intimated that the fight could be had across the little State of Rhode Island, without violating its laws. Meanwhile the public mind of North Carolina was on the qui-vive of expectancy.

While the public interest was at its height, a Scotch schoolmaster of the town of Edenton, named McLochlin, raw, credulous, sympathizing, came from Norfolk, Va., by the canal-stage route to his home in Edenton. The stage stopped at the "Half Way House" for dinner. While McLochlin was at dinner, there came from an inside door a man, wild-looking, haggard, nervous, abstracted, and took a seat beside him. He confided to McLochlin's credulous ear, the story of the fatal duel he had just fought on the Virginia line, where he had killed his adversary, and all for North Carolina. He said he was pursued by the officers of the law, showed him a handkerchief saturated with blood with which he had stanchd the blood of his dying adversary, begged his help in this time of his greatest need, asked McLochlin if there was any one in Edenton who would shelter a man who had shed the blood of his enemy for North Carolina. Jones took his new friend to a private room, where he opened the tale of the tragedy. After long deliberation the name of Hugh Collins was suggested as the friend of the distressed. Oh, yes! Jones knew him well. Had met him in Washington in society circles. The very man!

It was arranged that McLochlin should go on to Edenton, go at once to Hugh Collins, who was then fishing a large seine at the old Sandy Point Fishery, and get him to meet Jones at the arrival of the stage in Edenton next day. McLochlin hied him home. Jones remained in hiding.

Jones came to Edenton next day. Collins was in waiting. Damon and Pythias were not more cordial than "Hugh" and "Shoc." A carriage was in waiting. Both were hurried in and off, and with rapid speed they were taken to the safe retreat of Sandy Point Beach. When





they arrived Jones, for greater safety, asked Collins to put out pickets to provide against surprise and to keep his private yacht manned with four stalwart oarsmen, ready at a moment's notice to take Jones to the southern shore of Albemarle Sound. "Hugh," full of the responsibility of his great charge, had everything ready as requested. The oarsmen never left their rowlocks. After a few days Jones came out from hiding, and for ten days no man in North Carolina has been more lionized, petted and feasted. Jack Leary, a veteran wealthy seine fisherman, banqueted him with great and bounteous honor. Thomas Benbury, the oldest fisherman on the sound, claimed him as his honored guest. Others followed. If Jones had asked for \$100,000 we believe he could have had an honored check for it in half an hour.

After some time spent in this round of festivity and honor, Jones went to Mississippi, where he hobnobbed with Sargent S. Prentis, whom "he had introduced into good society at Washington." Finally, in the wilds of Texas, in the days of the old Texan wars with Mexico, he died, a hermit, alone, deserted, unknown—with all his eccentricities a patriot, a lover of his old home, having done some good in his day and generation, and left a name among its historians.

R. B. CREECY.



## DENNIS HEARTT.

If history consists of the lives of great men, whose names are "wrought into the verbs of language, their works and effigies in our houses," North Carolina should contribute many pages to the epitome of civilization; for her institutions, public and private, have been established by men of superior abilities, who have spared neither time nor resources in the founding of a great State. In journalism, as in economic and political growth, the pioneer work has been done by men of strong personal character, who possessed the art of citizenship as well as the talents requisite for their chosen work. These editors, though the remains of their labor often seem eccentric when compared with our modern journals, had great influence among the people, and their memories are forever perpetuated in the ideals of the State they served so well.

Among these pioneers of our press none were purer in public and private life, more energetic, or held greater favor throughout the State than Dennis Heartt, the founder, and for nearly fifty years the editor, of the *Hillsborough Recorder*. Like many of our best citizens, Mr. Heartt was not a native Carolinian. His father was an English sea captain, who settled in New England. Here, in the village of North Bradford, Connecticut, November 6, 1783, Dennis Heartt was born. Very little is known of the young man's early life. In 1798 we find him in New Haven, apprenticed to Read and Morse, printers, the latter a brother to the inventor of the electric telegraph. The young compositor soon became very proficient in his work, and was able to set up 5,000 ems in one morning's time. It was while in New Haven that the following incident is told of Mr. Heartt. When setting up an article written by Noah Webster, the compositor changed the word *fashion* in the copy to *fashion*. In the proof-reading, the "Schoolmaster of the Republic" struck out the *i*. The printer then conformed to the copy,





but in the final proof the Lexicographer corrected his mistake, inserting the ubiquitous *i*. Later in life, when success had crowned his labors, Mr. Heartt frequently related this as an illustration of the trials and vexations peculiar to newspaper men.

In 1802, having served his apprenticeship, Mr. Heartt left New Haven, removed to Philadelphia, and began life for himself. Here he married Elizabeth Shinn, of Springfield, Burlington county, New Jersey, whom tradition represents as "a very pretty little Quakeress." In 1807 he was one of the invited guests of Robert Fulton on the trial trip of the "Clermont." In 1810 he commenced the publication of the *Philadelphia Repertory*, a literary paper. Ten years later he migrated to Hillsborough, North Carolina, and on February 20, 1820, issued the first copy of the *Hillsborough Recorder*.

At this time the population of Hillsborough was 805, "of whom there were twenty-nine more males than females. Orange was a large and prosperous county, though its circulating medium was bank notes, there being little silver and no gold, and its bar had Judges Ruffin, Cameron, and Norwood among its numbers. Judges Badger, Murphy, Mangum, and Nash were then on the bench, or had recently resigned." These men were types of North Carolina's best life, and Mr. Heartt, by indomitable energy and constant application, won a reputation in the State second to none.

Many obstacles to a successful career presented themselves to the young editor. A new settler, coming from a distant section, he would naturally find some difficulty in gaining the confidence of the people and adjusting himself to his new social environments. The stage-coach, the only means of communication with the outside world, must have discouraged an editor accustomed to city life and a fast post-line to the nearest centres of trade. To these must be added the excessive labor and vexation caused by the



presses. "In those days the old, double full Ramage press was used with buckskin balls for inking the forms. Printing was executed under many difficulties. Types were costly and were used from ten to fourteen years. The forms were sometimes underlain with damp paper to bring out the impression. Mr. Heartt engraved the head of his paper, and with leaden cuts of various kinds illustrated his articles and advertisements. He made his own composing sticks of walnut wood, lined with brass. They were good sticks and I remember to this day the sound made by the types as they were dropped by the left thumb into their places." (Governor Holden, 1886.)

These are only a few of the discouragements encountered by Mr. Heartt. If "genius is the art of overcoming great difficulties," his name must be classed with those of Carolina's most gifted sons. His early training as an apprentice, his previous experience in journalism, and the energy with which he began his work soon enabled him to conquer his equivocal environments. He gained the confidence of the people, his subscription list quickly rose to five hundred, and for many years the *Hillsborough Recorder* was the best known paper in Central Carolina. For years, some of the oldest citizens have declared, the only literature found in their homes was the Bible and the *Recorder*, and they "would swear by either." The paper was popularly styled the "New Testament," for it was "true as Gospel." Such being the character of this representative of North Carolina's *ante bellum* life, let us examine some files, and behold in a few coarsely printed pages, worn and "seared like the yellow leaf," a true index to the social conditions of an age forever gone but never forgotten.

The earliest issue before me is dated March 1, 1820, Vol. 1, No. 4. "Published weekly by Dennis Heartt, at three dollars a year, payable half-yearly in advance." "Advertisements not exceeding fourteen lines will be inserted three times for one dollar, and twenty-five cents for





each continuance." "Gentlemen of leisure, who possess a taste for literary pursuits, are invited to favor us with communications." With the exception of a few advertisements, the first of the four pages is filled with articles clipped from exchanges; such as, "A Sketch of Illinois," from the *National Intelligencer*, a paper founded by a North Carolinian, an essay on "Domestic Economy," from the *New York National Advocate*, and a discussion on curing bacon taken from the *American Farmer*. Here is one of the secrets of Mr. Heartt's success in journalism. Instead of filling his columns with the worthless contributions of local literary aspirants, he gave his readers selections from the best current journals, which were usually of practical value to his subscribers. This issue also contains reports from Congress and condensed news from Spain, Paris and Berlin, which vary from three week to three months in age. Illustrations of the inefficient means of communication with other sections of the State are seen in the local notices, frequently no fixed date being given to events in neighboring counties. One of these reads as follows: "Married, a few days ago, in Franklin county, Mr. Robert Harrison, of Raleigh, to Miss Tucker." The advertisements are about fifteen in number, and are quaint in style and subject matter. They usually begin thus, "The subscriber, grateful for past favors, has the pleasure of announcing to the ladies and gentlemen of Hillsborough," etc. In one of these, five cents reward is offered for the capture of an escaped apprentice-boy, dressed in "a blue home-made coat, tow trowsers, and a wool hat. The above reward will be given for apprehending said boy and delivering him to the undersigned, without charges." On the last page we find two essays, "On Friendship" and "Domestic Happiness," written in imitation of that old, eighteenth century style, the literary ideal of the South seventy years ago.

In 1828 we find the paper enlarged, more modern in





appearance and contents, thus evincing the rapid development of the country. In the issues for this year, we get the first intimation of the editor's political opinions, for a motto, the battle cry of half the nation thirty years later, has found its way to the heading of the *Recorder*, "United we stand, divided we fall."

The next number is September 19, 1839. The paper has been further enlarged, now being about twice its original size. This is the first issue that takes an advanced stand on political questions, and here, also, an index to Mr. Heartt's views is found in the heading of the paper, "The Union, the Constitution, and the Laws—the Guardians of our Liberty." There is an account of the proceedings of an "Orange Republican Whig Meeting," held in the Masonic Hall of Hillsborough, Thursday, September 12. At this meeting a "preamble and resolutions were submitted by Hugh Waddell, Esq.," which fully stated the platform of Martin Van Buren and the failure of his administration; in conclusion they resolved, "That we cling with increasing devotion to the cause of constitutional liberty; that we feel it is a cause which can never be despaired of by freemen; and that we will use all patriotic means to assert and maintain the principles by which we are governed." Delegates were appointed to the State Whig Convention to be held in Raleigh, "the second of November next," who were instructed to support John M. Morehead for Governor and Henry Clay for President. The report is signed by John M. Smith, chairman, Dennis Heartt and Nathaniel I. King, secretaries. In an editorial Mr. Heartt speaks of the recent enlargement of his paper and his hope for its improvement. "But to realize this hope, the active assistance of his (the editor's) friends is required. He has perfect confidence in the justice of the cause and soundness of the principles which he advocates; and having truth for his polar star, he has neither wavered nor faltered, even in the darkest hour. He believes that the entire Whig party



are actuated by the same purity of motive, and in their determination to preserve undiminished their high privileges, are animated by a zeal not less fervent than his own. The rich legacy which was won by the active hands and strong arms of the Whigs of the revolution, the Whigs of the present day know can be preserved only by untiring watchfulness and jealous guardianship." This avowal of his allegiance to the Whig party expresses the spirit of Mr. Heartt's political faith. He was ever firm, but never extreme; always an optimist, too generous to make a charge against his colleagues or opponents of which he himself was innocent.

Within the next decade the political battles waged fiercer each year. The clouds of discontent which were to end in turmoil and disunion were constantly gathering and growing dark with the omens of war. Throughout this period of suspense, Mr. Heartt never faltered in his allegiance to the Union, but stood firmly by the principles of the Whig party. In 1844 the *Recorder* supported Henry Clay and advocated the following principles: "A Bank of the United States, and a sound National Currency. A Tariff for revenue with fair protection to American Industry. An honest and economical administration of the National Government. An equitable distribution of the proceeds of the sales of Public Lands." In 1848 Mr. Heartt supported Taylor and Fillmore. The issue for May 21, 1851, gives an address and resolutions before the "Southern Rights Association of South Carolina," which declare in no uncertain language for States' rights and secession. Mr. Heartt has an able editorial on this meeting, and also defends himself from the attacks of the *North Carolina Democrat*, a secession paper published in Hillsborough. A comparison of the title-pages of these two papers tells better than facts the position of Mr. Heartt during that long political struggle which precipitated the Civil War. The *Democrat* cries for "States' Rights; and a strict con-





struction of the Constitution." The *Recorder* holds to its old principle, "The Union, the Constitution and the Laws—The Guardians of our Liberty."

The last of these papers is dated August 27, 1867. "The cruel war is over," and the darkest days of "reconstruction" are at hand. The *Recorder* has not remained unimpaired by the desolation of the struggle, for its size is greatly diminished. Yet the editor maintains his fealty to the Union unshaken, declaring, "We shall pursue the same lights hereafter that have guided us hitherto—ever holding to our motto, 'The Union, the Constitution, and the Laws,' as the Palladium of our safety; and we are not without hope that wise counsels will ere long lead the country back to its former prosperity."

No one can read these papers without being impressed with the purity of their subject matter, the soundness of their principles, and the liberal spirit of the editor. "Talent alone cannot make a writer. There must be a man behind the book; a personality which, by birth and quality, is pledged to the doctrines there set forth, and which exists to see and state things so, and not otherwise; holding things because they are things." If this be true, Dennis Heartt was a representative man in journalism as in private life. He was never harsh or vindictive, and never allowed personal animosities to be expressed in his columns. In politics he was a staunch Whig. Though he owned no slaves and was opposed to that "dire institution," he did not go to the extremes of the abolitionists. In his own words, he always endeavored "so to constrain himself as

'Nothing to extenuate,  
Nor set down aught in malice,'

but in truth and soberness to do justice to all parties." "He never selected an article, or wrote a line for his paper which, dying, he could wish to blot."

As a man, Mr. Heartt was ever temperate, honest, above



suspicion, and habitually truthful. He was for many years a member and officer of the Presbyterian church. "He loved labor and was an indefatigable worker. We have known Mr. Heartt from our earliest youth and we have never known a purer or a better man. His was a heart that harbored no deception, his was a tongue that knew no guile, and his was an integrity that would not bend or deviate." (Editorial in a Raleigh Daily, November 14, 1870.) He was a man of strong personality, eccentric, but humorous and charitable. Of many who were influenced by his character, none have risen to higher distinction or paid a greater tribute to his memory than the late Governor Holden. A ragged, homeless waif, drifting aimlessly, with no protection from the ills of life, William Holden was taken into the home of Mr. Heartt and became his apprentice. At one time the boy's roving nature gained the ascendancy and he ran away from his benefactor. Mr. Heartt advertised for him, offering five cents reward for his capture. The run-away saw this notice, secretly returned by night, entered the office of the *Recorder*, and set up some type which he placed in the form for the next issue. This work completed, the youthful compositor wrote on his desk, "From this day I will be a man." The next number of the paper contained a startling notice which advertised the *Recorder* and its editor for sale, fifty cents being the price set for both. A reconciliation then took place between master and servant. Holden served his apprenticeship, went to Raleigh and founded the *North Carolina Standard*, and was finally elected Governor. In 1886, before the State Press Association he gave the following testimony to his benefactor's character, "His integrity in all respects was perfect. No consideration could have induced him to abandon or compromise his principles, or to do wrong knowingly. I was a member of his family as one of his apprentices, six or seven years, and I knew him thoroughly. There were features in his character and con-





duct which I could not, then, understand. but in reviewing the past I have since seen him in his true light and I declare in this presence that the best man in all respects whom I have ever known was my old master and teacher, Dennis Heartt. \* \* \* What a kind, good man he was! and he was thoughtful, careful, scrupulous and very industrious."

As a printer and editor, Mr. Heartt was devoted to his work. Journalism was his life-work. and he would not prostitute his profession to personal desire or ambition. Political offices and public honors, he could easily have obtained, but he was unwilling to desert the cause which he had early espoused and which had so abundantly repaid him for his labor. He was faithful and energetic. "He generally wrote his editorials two and even three times over, before giving them to the press." (*Hillsborough Recorder*, obituary notice.) "We have seen him, since he passed four score, write his editorials, set them in type, make up his form and even work off his paper at the press and then make up his mails. (He was then postmaster.) He was an ornament to his profession, giving dignity and character to it." (Editorial in *Raleigh Daily* above quoted.) He was modest and reticent. He was "a good scholar and wrote well, but he seldom presented his readers with a column of editorial in any issue. He was a man of refined taste and his selections were therefore excellent." (Governor Holden.)

In January, 1869, Mr. Heartt sold his paper to C. B. and T. C. Evans, of Milton, Caswell county, N. C., who had formerly edited the *Milton Chronicle*. May 13, 1870, he died. "His death cast a gloom over the whole town. Every store, even the saloons and shops, were closed the day of his funeral that all might attend it." He was greatly beloved by all the citizens of Hillsborough, and his name will long be cherished among the people of Orange county. As journalist he leaves us an example which the





modern press would do well to emulate. Always conscientious and sincere, he never printed a line which he did not believe to be true. His personality was seen through the columns of his paper. There never was a time when, in spirit, the *Recorder* was not Dennis Heartt, or the editor the living soul of the paper.

The *Recorder* passed from the hands of the Evans men to Col. John D. Cameron, who removed the paper to Durham, the name being changed to the *Durham Recorder*. In 1881 the paper was bought by Mr. E. C. Hackney, who still edits it. It is now the oldest newspaper in the State.

W. K. BOYD.

N. B.—Materials for the above article were taken from copies of the *Recorder* and papers of Mr. Heartt's family.

W. K. B.



LANDHOLDING IN COLONIAL NORTH CAROLINA.<sup>1</sup>

In 1663 His Majesty Charles II, out of the abundance of his American lands, granted the province of Carolina to eight of the chief nobles of his court. These gentlemen retained the property until 1629, when they sold it to the King. Here it remained until the War of the Revolution. Although these two supremacies, the one of the Lords Proprietors and the other of the King, represent the two distinct periods in the history of the colony, they indicate but little interruption in the history of its private law. This is especially true of the law relating to land. The basis for the future government was the charter by which the Lords Proprietors received their property. When the purchase by the King was made, there was no beginning the government *de novo*. The Crown simply stepped into the place vacated by the former owners. Proprietary laws were for the most part confirmed or but slightly altered. We thus see the importance of the charter of 1663, and can understand why the people in their periodic revisions of the laws saw fit to insert this instrument as a preface to their codes. It is therefore from this charter<sup>2</sup> that we begin to trace the history of landlording in North Carolina.

Three facts relating to land stand prominently out in the royal charter. 1. Carolina was constituted a feudal seigniority, the Proprietors being authorized 'to have, hold, use, exercise, and enjoy the same [their privileges], as amply, fully, and in as ample manner, as any Bishop of Durham, in our kingdom of England, ever heretofore had, held, used, or enjoyed, or of right ought or could have

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<sup>1</sup> Reprinted by permission from the Law Quarterly Review (London) April, 1895.

<sup>2</sup> The first charter was issued in 1663. In order to include a strip of territory to the north of the province, a second charter was issued in 1665. Except as to boundaries it differs in no material sense from the charter of 1663, but being the later it may be considered the more authentic. I have therefore used it.





use or injury.' 2. The Lords were to hold their lands 'in fee and common socage and not *in capite*, or by knight's service.' 3. They were to hold 'as of our manor of East Greenwich in Kent,' and to pay an annual rent of twenty marks, together with one-fourth of all gold and silver ore found within that region. This rent was a mere formality intended for a recognition of the King's ultimate dominion over the granted lands; still it is well to remember that it was eventually paid. At the time of the sale the Proprietors owed rent for seven and a half years, and that amount was deducted from the purchase price.<sup>1</sup>

The charter<sup>2</sup> prescribes the relation between the Proprietors and their future tenants. The Lords, so we read, may at pleasure 'assign, alien, grant, demise, or enfeoff, the premises or any part, or parcel thereof. to him or them that shall be willing to purchase the same, and to such person or persons as they [the guarantees] shall think fit, to have and to hold to them, the said person or persons, their heirs or assigns, in fee simple or in fee tail, or for terms of life, lives, or years; to be held of them [the Lords Proprietors] and not of us, our heirs and successors.' This grant involved a return to subinfeudation, and accordingly the King relaxed for the benefit of the Proprietors the statute *Quia Emptores*. To them also was accorded the right to erect seigniories and manors with the accompanying privileges of courts leet and barons. By way of being sufficiently explicit, the people who should settle in the colony were granted the right to hold their land on the above conditions, and were guaranteed the recognized personal and property rights of Englishmen.

The above-mentioned provisions represent one element in the development of the colonial land laws. That was the superimposed factor. It came from without. As it embodied the distinctive ideas of the promoters of the enter-

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<sup>1</sup> Cf. Colonial Records of North Carolina, vol. ii. p. 723.

<sup>2</sup> The charter may be found in Col. Records of N. C. vol. i, p. 102.



prise it may be called the Proprietors', or the King's, contribution to the process of growth which was about to begin. There was another factor, one due to the conditions of life in the colony. As this was interpreted and demanded by the people it may be termed the popular contribution to the same process. These two factors were brought to bear on the English Common Law which the colonists may be considered to have carried with them across the Atlantic. The charter had granted to the Assembly the right to make laws 'consonant to reason and as near as may be to the laws of England.' As more distinctively American conditions arose it was a question as to where the Common Law stopped and where the colonial law began. Confusion arose, and in 1711 the North Carolina Assembly was impelled to declare, not only that the Common Law was binding in the colony, but that all English statutes, especially those confirming inheritances and titles of land, should be enforced<sup>1</sup>. This was not sufficient. In 1749 the Assembly by law declared which of the statutes of England should be recognized in the Colonial Courts<sup>2</sup>. So decidedly did the law swing away from its original mooring that in 1775 it was well out in the stream of a new development. It shall be our task to take up and explain the new features of the law relating to land as they came into existence in the colony.

*Quit Rents.* The most notable kind of landed estates in North Carolina, as in all the southern colonies, was the fee-simple estate held subject to quit rents<sup>3</sup>. It was due to

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<sup>1</sup> Col. Recs. of N. C. vol. i p. 789.    <sup>2</sup> See the Revision of 1752, pp. 293 304.

<sup>3</sup> Mr. Justin Winsor falls into the error of saying: 'The efforts to colonize the seaboard region of North Carolina without giving the fee of the land to the people and without care in the selection of colonists, resulted in a failure even more complete than that of the Canadian colonists.' (Narrative and Crit. Hist. vol. iv, p. xxii.) If it were not true that lands held subject to quit rents are held in fee simple (cf. Williams, on Real Property, p. 124), it would still be necessary, in order to show the fallacy of this statement, only to remind the reader that lands were held in North Carolina in exactly





two facts: (1) the inability of the settlers to pay for their lands at once, and (2) the desire of the Proprietors to retain the rent as an acknowledgement of tenure between themselves and their tenants. The latter is shown by the later practice in the Proprietary Period of selling land outright while a very small quit rent was retained 'as an acknowledgment'<sup>1</sup>.

The use of quit rents was retained throughout the Proprietary and Royal Periods, but it is doubtful if they were ever collected even fairly well. Yet in the Proprietary Period the amounts received from this source were considerable<sup>2</sup>. At two different times Thomas Lowndes alleged that the quit rents were sufficient to defray the ordinary expenses of the government<sup>3</sup>. Governor Burrington, however, does not corroborate this statement<sup>4</sup>. The long contest over the manner of paying quit rents, which was waged by the Assembly against Governors Burrington and Johnston, reduced the revenues from this source to a small sum. It was also difficult to collect them. The chief trouble was to get a correct rent roll. The basis of this roll ought to have been the records of the original grants and of the transfer of land between individuals. These records, however, were so carelessly kept that they could not be used for the purpose indicated. Several attempts were made to secure a general registration, but we have no evidence that any one of them was successful<sup>5</sup>.

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the same manner as in Virginia and in South Carolina, and that these two colonies were eminently prosperous. It is more probable that poor harbours and a consequent lack of direct trade with Europe had far more to do with the slow growth of North Carolina than the prevalence of quit rents there.

<sup>1</sup> See Col. Recs. of N. C., i, pp. 383, 392, and ii, p. 58.

<sup>2</sup> Ibid. ii, p. 169.      <sup>3</sup> Ibid. iii, pp. 11, 49.      <sup>4</sup> Ibid. iii, p. 149.

<sup>5</sup> See Ibid. ii, 34-5, and iii, 144. Also Revision of 1752, pp. 275-77, and Ibid. p. 280. [N. B.—We refer to the Colonial Codes as 'Revisions.' They occurred in 1751-2, 1765, and 1773. The laws of 1715 were a revision, but as they were never printed as such they appear in later Codes as original laws.]





Another source of trouble was the medium in which quit rents were paid. In early times the Assembly arranged a table of valuation by which certain products, called on this account 'rated commodities,' were to pass as currency. In these, quit rents were paid<sup>1</sup>. About 1715 the Assembly made these rents payable in colonial paper currency, then much depreciated<sup>2</sup>. To this scheme the Proprietors objected so emphatically that we find no further mention of it until the royal regime. Burrington, the first royal Governor, acting under instructions, brought in a Bill requiring payment in proclamation money. The Assembly demanded that the provincial money should be received also. Each party remained obstinate and the Governor prorogued the Assembly<sup>3</sup>; but that body continuing its demand was alternately prorogued and adjourned until when Burrington was removed from office in 1734 it had passed no Bill on this subject.

The dispute was passed on to Johnston, the next Governor, who at first succeeded no better than his predecessor. After fourteen years of contention this Governor, by heroically suppressing some of the counties and their delegations, managed to pass a quit-rent law that was in conformity with his instructions<sup>4</sup>. Three years later Johnston died in office, and early in the term of his successor the quit rent law was repealed<sup>5</sup>. A new law passed in 1752 seems never to have gone into operation<sup>6</sup>. In the meantime, the small amount of quit rents that was paid seems to have been paid in rated commodities<sup>7</sup>.

Closely connected with the above discussion was another about the place for receiving quit rents. In early times they were paid on the farms of the inhabitants, and although Tynte<sup>8</sup>, and perhaps other Governors, were di-

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<sup>1</sup> Col. Recs. of N. C. iv, 920, and iii, 144.

<sup>2</sup> Ibid. iii, 95.

<sup>3</sup> Ibid. iii, 143.

<sup>4</sup> Ibid. iv, p. xviii, and Revision of 1752, p. 285.

<sup>5</sup> Revision of 1773, p. 123.

<sup>6</sup> Revision of 1773, p. 167.

<sup>7</sup> Col. Recs. iv, 920.

<sup>8</sup> Appointed Governor in 1708. Ibid. i, 694.



rected to collect them at specific places, they continued to be paid as formerly. Burrington tried to make the same change, but failed<sup>1</sup>. In 1735 Governor Johnston, after also failing to get such a Bill passed through the Assembly, settled the matter by proclamation, and thereafter the few who chose or were compelled to pay quit rents took them to certain designated places.<sup>2</sup>

The rate of quit rents varied. In the earliest grants it followed the Virginia custom, which was one shilling for each fifty acres. The Proprietors were inclined to put it at a higher figure, but the Assembly petitioned against this, and the Lords agreed in 1668 that henceforth the inhabitants of Albemarle should hold their land on the same conditions on which land was held in Virginia<sup>3</sup>. This concession was known afterwards as 'the Great Deed of Grant,' and it was most carefully preserved. Throughout the colonial period it was considered the fountain of landed rights. Although the Proprietors continually ignored it, the settlers always appealed to it, and in 1731 all the people claimed to hold under it<sup>4</sup>.

*Escheat and Forfeiture.* By their grant the Proprietors had the incidents of escheat and forfeiture as well as the minor rights of wreckage, wastes, fisheries, etc. These are the only survivals of the older feudal incidents in the colonial laws.

Land was granted on condition that it should be properly 'seated' within three years<sup>5</sup>. In 1722 it was held that this was done when the grantee had built a house on, and had cultivated one acre of, each tract granted. The Governor and Council decided whether or not this had been done, and the minutes of this body show that a large part of its business was hearing petitions to declare older grants forfeited and to issue new grants for the same.

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<sup>1</sup> Ibid. iii, p. vi.

<sup>2</sup> Ibid. iv, pp. xiv-xvi.

<sup>3</sup> Ibid. i, 175.

<sup>4</sup> Col. Recs. iii, 144.

<sup>5</sup> Cf. the Virginian grants, Ibid. i, 59-67, and also Ibid. iii, 148.





Land escheated as under the Common Law on failure of heirs and for conviction of felony, treason, or *felo de se*<sup>1</sup>. We find but slight mention of the latter cause, most escheats being for failure of heirs, which was held to have occurred when there were no heirs in the province<sup>2</sup>. Like its English model, the County Palatine of Durham, North Carolina had an Escheator with various local deputies. His duty was restricted to deciding whether or not the deceased had heirs<sup>3</sup>. This he accomplished with the assistance of a jury of twelve men, whose verdict he communicated to the Council. Escheatable lands reverted immediately on the death of an intestate holder without heirs. This was important, because the person in actual possession at the moment of escheat might make composition for the land at twopence an acre<sup>4</sup>. The relatives of the deceased holder who were not heirs were given a preference in taking the escheated land on the payment of the composition money. The following was the order as established by the Assembly: the widow or the widower; the father; the mother; the eldest half-brother; the half-sister or half-sisters, each sharing alike; the nearest of kin; and finally the nearest person who should petition for it<sup>5</sup>. The composition money was all that was paid to secure the land, 'be the improvement more or less.' Heirs to land that had been escheated for seven years were debarred from suing to recover the same.

By the royal charter the Proprietors were granted the privileges of mines—for which they were to pay one-fifth of all gold and silver ore—together with the right to wrecks, fisheries, chases, etc. At first they reserved mines for themselves<sup>6</sup>, but by 1712 they were granting them to individuals for a share of the minerals taken out<sup>7</sup>. The privileges of hunting, fishing, and hawking they readily

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<sup>1</sup> Ibid. i, 453.

<sup>2</sup> Ibid. ii, 317, 323, 305.

<sup>3</sup> Ibid. ii, 305.

<sup>4</sup> Ibid. ii, 451, 452.

<sup>5</sup> Laws of 1715, ch. 30; see Rev. of 1752, pp. 11, 12.

<sup>6</sup> Col. Recs. i, 183, 237.

<sup>7</sup> Ibid. i, 847.



granted with the land. They also established wreckers whose duty it was to recover 'all wrecks, ambergrice, and other ejections of the sea'.<sup>1</sup> This office is mentioned in the early correspondence only, and it is probable that it was soon abandoned.

*Conditions of Granting Land.* In 1663 the land held by the whites in North Carolina was claimed either by purchase from the Indians<sup>2</sup> or by grant from Virginia<sup>3</sup>. The Proprietors recognized the latter grants since they were settled according to the usual Virginia allotment, but because the former were large and irregular tracts it was thought that they ought to be reduced to the conditions of the regular allotments. After thus stating their opinions they left Sir William Berkeley, then Governor of Virginia and one of the Proprietors, to settle the matter as he saw fit<sup>4</sup>. We hear nothing directly from Berkeley, but we have evidence that in each case holders were compelled to take out new patents<sup>5</sup>.

The lands first taken were always those along the rivers, insomuch that it has been remarked that the early history of the colony was but the story of a 'search for bottom land.' The Proprietors tried to regulate this demand by saying how much of a grant should lie on a stream. In the Royal Period the King tried to secure a similar result, by directing that of a land grant the side lying on the river should not be more than a fourth of the side at right angles to it.

In 1665 the Proprietors made their first formal proposals to settlers. They offered to each free man who had already come into Albemarle county<sup>6</sup> eighty acres of land for himself and, if married, eighty acres for his wife. A free woman who had arrived with a servant was to have a like

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<sup>1</sup> Ibid. i, 240.

<sup>2</sup> Ibid. i, 19.

<sup>3</sup> Ibid. i, 17, and 59-67.

<sup>4</sup> Ibid. i, 53, 54.

<sup>5</sup> Ibid. i, 253, 270.

<sup>6</sup> Albemarle County lay in the northeast corner of the present State, and was the separate Government out of which the later colony grew.





amount. For each able-bodied man-servant, armed and victualled for six months, the master or mistress was to have eighty acres, and for each weaker servant, 'as women, children, and slaves' above fourteen years, forty acres. Every Christian servant was promised forty acres at the expiration of the period of servitude. Those who should arrive in the next three years were respectively to have sixty and thirty acres instead of eighty and forty. Those arriving in the year 1668 were to have just half as much as those who had already settled there<sup>1</sup>. These amounts were repeated with slight variation in the instructions to Governors until 1684 and perhaps still later, but it is possible that they were not put into practice. In 1694 it was the custom to grant fifty acres to each person brought in without regard to sex or condition. This was in imitation of the Virginia custom with which it was identical. At any rate, from 1694 'proving a right' meant in the colony taking up fifty acres of land for importing one person<sup>2</sup>.

Abuses at times crept into the land office. One of these was allowing a man to prove a right for each time he had come into the country. One James Minge proved on one occasion six rights for himself and four for his negro Robin<sup>3</sup>. To remedy this evil the Council ordered in 1712 that thenceforth a man could prove but one importation for one person<sup>4</sup>. Another abuse was in surveying improperly. In 1729 Maurice Moore received a tract whose survey called for 1,000 acres. Twenty years later it was resurveyed and found to contain 3,834 acres<sup>5</sup>. Against this there was a law on the statute-books as early as 1715, and as late as 1752, which provided that if a man suspected his estate to contain more land than his survey specified he might have it resurveyed, and if the surplus were greater than one-tenth of the whole he should either forfeit the

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<sup>1</sup> Col. Recs. i, 81, 88.

<sup>2</sup> Ibid. iii, 424, 426.

<sup>3</sup> Ibid. i, 635.

<sup>4</sup> Ibid. i, 865.

<sup>5</sup> Ibid. iv, 765, 1012.





same or take out a patent for it'. This, however, was a rather lame remedy, inasmuch as it left the initiative to come from the holder<sup>2</sup>.

The right to receive land for importations could be proved either before the Council, the General Court, or the Precinct Courts. As the province became more extensively settled it was left almost entirely to the last-mentioned body. This condition, however, was reversed in the Royal Period, where we find it almost entirely in the hands of the Council, called for this purpose the Court of Claims.

A noticeable fact in the history of landholding in North Carolina was the usual smallness of the estates. Large estates would scatter the population and consequently would endanger the existence of a young colony. The people understood this, and one of their earliest laws—confirmed by the Proprietors in 1670—declared that no surveyor should lay out for one person more than 660 acres 'in one devidend,' unless the person had special permission from the Lords<sup>3</sup>. This law was to expire in five years, but its spirit continued. Early in the next century the Proprietors limited all ordinary sales to 640 acres in one tract<sup>4</sup>, and the royal governors were instructed to the same end<sup>5</sup>. Larger grants were occasionally met with, but these rarely held over three or four thousand acres. To this there is one exception. In 1737 Murray Crymble and others secured a grant of 1,200,000 acres on which they obligated to settle within ten years one white person for each one hundred acres. The enterprise was hardly a success. When it was finally closed up much more than half of the land lapsed to the Crown, and the remainder was left in the hands of small holders. The whole affair was a speculation and left no impression on the land system<sup>6</sup>.

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<sup>1</sup> Revision of 1752, p. 10 (Laws of 1715, ch. 29).

<sup>2</sup> Col. Recs. iii, 184.

<sup>3</sup> Ibid. i, 186.

<sup>4</sup> Col. Recs. i, 706.

<sup>5</sup> Ibid. vii, 512, 543; also see Brickell, Nat. Hist. of N. C., p. 12.

<sup>6</sup> See Col. Recs. iv. 253, vi. 718, 773, vii. 453, viii. 52, 63, 254.



When the King purchased Carolina one of the Proprietors did not sell his share of the land. In 1744 this share was laid off to him, and it fell in North Carolina<sup>1</sup>. The Proprietor was Lord Carteret, or Earl Granville as he had been created. He possessed his estates like any other private citizen. He continued to collect his fines, escheats, and forfeitures, as formerly, and to sell land for quit rents. When war broke out with Great Britain the State Government confiscated this property.

*The Fundamental Constitutions and Land.* We cannot pass to the more technical phase of our subject without speaking of the Fundamental Constitutions. As the Proprietors did not seriously attempt to put them into operation a few words will be sufficient here. In respect of personnal freedom they were liberally conceived. In respect of landed property and the social organization depending on it, they were decidedly reactionary. They were ill-suited to the people for whom they were intended, and met with slight respect from those who originated them. While it is doubtless true that the Lords desired to put them into possession, it is also true that they never seriously attempted to do it. Along with the first copy that arrived in the colony came a set of rules which were to be followed until the more elaborate system could be made to work<sup>2</sup>. These rules constituted a temporary constitution, and under that the government was conducted. This is as near as the famous system ever came to a vital existence. The political development of the people was steadily away from it. Being intended for a full-grown cock it remained but an unhatched chick, with a few oscillations but never a sturdy stroke. It lingered in an uncertain state for about forty years, and then passed out of sight so quietly that the most painstaking research has not been able to determine when it ceased to exist.

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Col. Recs. 655.<sup>2</sup> Ibid, i. 181.





The Fundamental Constitutions<sup>1</sup> recognized six classes of landholders; Proprietors, Landgraves, Caciques, Lords of Manors, freemen and leetmen. The first three classes constituted the hereditary nobility. The size of their estates was prescribed by law. Their lands were indivisible, inalienable, and descended according to the rules of primogeniture. These nobles could grant lands for not exceeding three lives or twenty-one years, provided they retained one-third of their property as demesne. Each of these three ranks were to constitute one of the four estates which made up the parliament. There were to be eight properties—one for each Proprietor—one Landgrave, and one Cacique in each County. The land of all these together was to be two-fifths of the County. Manors could be created within certain limits. They were alienable but not divisible. The Lord of the Manor could not grant a part of the manor for longer than three lives or twenty-one years. Each of these four classes had leetmen and could hold courts leet. The freemen held directly under the Proprietors as a body and were required—as well as all other landowners—to believe in a God, who was ‘publicly and solemnly to be worshiped.’ A leetman could not move off from his lord’s estate without that lord’s written permission. The rank was inherited or entered voluntarily. On the marriage of a leetman or a leetwoman the lord was to give the pair ten acres of land for their lives, and for this not more than one-eighth of the yearly produce could be taken as rent.

*The Indians and Land.* Sir Walter Raleigh’s first expedition to Roanoke Island carried to England a young Indian chief called Manteo. Him the next expedition brought back so full of Christian ideas that he was forthwith baptized and made ‘Lord of Roanoke.’ This incident illustrates the attitude of the white man towards the red man’s

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<sup>1</sup> They may be found in any collection of Locke’s writings; also in Col. Recs. i. 187.



land. Everywhere the former claimed all the land and then assumed to allow the latter to hold a part of it as a tenant. For a space the two parties lived side by side, usually as allies. Then there was war. The European won and was in possession to establish his claim.

This process is clearly seen in North Carolina. In 1691 the Proprietors declared that they had long since taken the Indians under their protection 'as subjects to the monarchy of England'.<sup>1</sup> War came twenty years later, and immediately afterwards the Indians' lands were surveyed, that is to say, the savages were restricted to what we should now call 'reservations'.<sup>2</sup> In order to secure this land to the Indians a law was passed which forbade any white man without the consent of the Council to purchase any land that was claimed, or actually possessed, by an Indian.<sup>3</sup>

The estate of the Red Men in their land was merely one of possession. An Act of 1729 (chap. 2) stipulated that the transaction under consideration should not be construed to 'invest the fee simple of the said lands in the Indians.' If, however, an Indian held land individually this Act was not to apply to him.<sup>4</sup> In 1748 (ch. 3, 2d section) an Act was passed to ascertain the bounds of the Tuscarora lands. These lands had been confirmed by treaty in 1713. They were now confirmed anew to the Tuscaroras, their heirs, and successors for ever, or so long as they should live on them. The Indians were to pay quit rents, and no person for any consideration was to purchase any of the land. Those whites then living on it were required to leave at once, but persons who had received grants for parts of it might enter and enjoy the same as soon as the savages had moved off.<sup>5</sup> When in 1776 (ch. 29) the Tuscaroras as a tribe sold their lands and left the province.

<sup>1</sup> Col. Recs. i. 378.

<sup>2</sup> Ibid. ii. 140, 316.

<sup>3</sup> Revision of 1752, p. 39 (Laws of 1715, ch. 59).

<sup>4</sup> Ibid. p. 72.

<sup>5</sup> Ibid. p. 247.





the transfer was sanctioned by the Assembly. The mere consent of the Council does not seem to have been considered sufficient<sup>1</sup> to convey a good title.

*Alienation.* The ordinary form of land transfer in North Carolina was the deed. Its popularity was perhaps as much due to the fact that it was employed by the Proprietors in granting lands to settlers as to its superior convenience. It seems to have supplanted all other forms, except perhaps lease and release. Certain it is that fines and recoveries were not in use in North Carolina<sup>2</sup>.

The absence of fines and recoveries caused inconvenience in reference to two kinds of transfers: (1) conveyances by *femes covert*s, and (2) the barring of entails. In regard to the former it was the early custom for the husband to convey with his wife's consent or for both to convey jointly, acknowledging the conveyance in Court after the wife was privately examined. By Act of 1715 (ch. 28) the latter was made the proper method, but the law was declared not to apply to entails. A difficulty arose from the inconvenience of getting the consent in Court of a *feme* who was either seriously sick or out of the province. In 1751 this was remedied by requiring in such cases, in addition to the husband's acknowledgement, a commission from the clerk to some third party who was to examine the wife as to her consent and report under oath to the Court<sup>3</sup>.

In the early period entails were barred by private Acts of the Assembly. The expense of this prevented ordinarily the alienation of small estates tail. In 1749 (ch. 4, 1st session) the Assembly enacted that entailed estates of less than fifty pounds value should thenceforth be alienated by a deed of bargain and sale for a valuable consideration actually delivered. Such a conveyance was to pass the fee and to bar the entail, remainder, and reversion. To determine the value of such an estate the Secretary of the

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<sup>1</sup> Revision of 1773, p. 369.

<sup>2</sup> Revision of 1752, p. 9 (Laws of 1715, ch. 28).

<sup>3</sup> *Ibid.* p. 337.





province was to issue a writ *ad quod damnum* under which the Sheriff was to appoint a number of 'good and lawful men' to value the land in question and to report on the same. Such a deed of bargain and sale must be acknowledged in Court and duly registered<sup>1</sup>. The more valuable entailed estates continued to be barred, as formerly, by means of private bills.

Alienation by inheritance followed the general English practice, which was primogeniture. This view is supported by two facts. (1) There is not on the statute-book any law which interferes with primogeniture. We should therefore expect the English practice to prevail. (2) We find in various records several references to the 'heir-at-law' in a way which indicates that one of the heirs of an intestate ancestor had landed right superior to those of the other heirs<sup>3</sup>. The Act cited in note 3 indicates that primogeniture was stronger in the colony as a custom than as a right. Its importance was generally lessened by the free alienation by wills and by the ready sale of land for debt. As for wills, they were made under the statutes 32 & 34 & 35 Henry VIII. Social and economic reasons made it difficult for an estate to pay off the debts of its owner,

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<sup>1</sup> Revision of 1752, p. 291.

<sup>2</sup> It will be remembered that the American use of the word 'heir' is much wider than the English use of it.

<sup>3</sup> An Act in 1766 (ch. 5)—which is not the first time this Act appears in the Laws—directed the administrator of an estate to give the widow one-third and to distribute the remainder among the children. If any child 'not being the heir-at-law' had received property from the intestate by settlement or otherwise, it was to be counted in his share of the distributed property. 'But the heir at law, notwithstanding any land that he shall have by descent, or otherwise, from the intestate, is to have an equal part in the distribution with the rest of the children, without any consideration of the value of the land which he hath by descent or otherwise from the intestate.' In this Act the term 'heir-at law' is used three times. See also Revision of 1773, p. 343; also Revision of 1765, p. 282. We also note that in 1729 Governor Burrington complained that certain executors in trust had detained 'the residum from the heir-at-law,' after paying legacies. Cf. Col. Recs. iii. 28.



and consequently it was thought best to sell it. By an early law the lands of persons who had left the colony were held for debt<sup>1</sup>. This was repealed in 1746. An English statute (5 Geo. II), called 'An Act for the more Easy Recovery of Debts in His Majesty's Plantations,' relaxed these laws. In 1764 North Carolina made a law supplementary to the British Act, but it was disallowed by the King<sup>2</sup>.

*Registration.* From the beginning land deeds were required to be registered. In 1665, twelve years before the Statute of Frauds, the proprietors established the office of Registrar. The Registrar's duty was to record grants from the Lords as well as 'all conveyances of land howse or howses from man to man, as also leases for land howse or howses made or to be made by the landlord to any tenant for more than one year<sup>3</sup>.' The first deed registered was the valid one. At first a deed must be proved by two witnesses before the Governor or 'some Chief Judge of a Court.' Gradually the function was taken away from the Governor, and by 1715 it was centered in the local, or Precinct, Courts, where it remained ever afterwards. This law of 1715 (ch. 38) provided that all land deeds, except mortgages, must be registered within twelve months or they would not convey a valid title. Deeds thus executed passed 'estates in land, or rights to other estates, without livery of seizin, attornment, or other ceremony in the Law whatsoever.' The first deed registered was the valid one, but if a first mortgage should be registered within fifty days a second one previously registered should not invalidate it. The giver of a second mortgage, the first remaining in force, was to lose its equity of redemption. Finally, a mortgage should not bar a widow of her right of dower<sup>4</sup>.

This law did not entirely accomplish its object. In 1741

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<sup>1</sup> Laws of 1715 ch. 18; also Col. Recs. iii. 182.

<sup>2</sup> Revision of 1765, p. 358, and Revision of 1773. p. 328.

<sup>3</sup> Col. Recs. i. 79.

<sup>4</sup> Revision of 1752, p. 20.





many persons through either ignorance or neglect had failed to register their deeds within the proper time. These were relieved by having their time extended one year. In 1756 the same class of delinquents had the time extended two years, and this same law was after that re-enacted five times before 1773.

An interesting fact in this connection is the adherence to the ancient custom of 'processioning lands.' In 1723 (ch. 4) an Act was passed providing that 'the lands of every person in this government shall be processioned and the marks renewed once in every three years.' Two freeholders, appointed for the purpose, and such others as would go along, were to go over the bounds of the land, finding and renewing the marks. These two men made report of their action to the Precinct Court, where the report was preserved by the clerk. Persons whose lands were twice 'processioned' were to be considered sole owners and might plead this Act to that end; provided, however, that this law should not defeat the rights of reversion and remainder, or the titles of orphans, *femes coverts*, lunatics, &c. Persons having these rights were to have liberty to sue for their rights within three years after the removal of disabilities<sup>1</sup>. The law for processioning remained on the statute-books in 1773, but it is likely that it was but poorly enforced<sup>2</sup>.

*Occupation.* In the laws of 1715 (ch. 27) it was provided that all persons who who held titles through sales made by creditors, by husbands and wives jointly, by husbands in right of their wives or by endorsement of parents and who without suit in law should continue in possession for seven years, these persons should have the legal title. Moreover, persons claiming lands, tenements, and hereditaments must present their claims within seven

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<sup>1</sup> Revision of 1752, p. 54.

<sup>2</sup> It was re-enacted in 1792, and further amended by chap. 28, 1816.



years after the rights descended or accrued, or be debarred from suing afterwards. Orphans, femes coverts, and infants were allowed three years in which to make claim after the disabilities were removed<sup>1</sup>. This law may possibly be very old law, for as has been said, the laws of 1715 were mostly revisions. Perhaps it is not too much to connect it with a provision of the Proprietors in 1665 which declared that all who quietly enjoyed their land for seven years should not be required to resurvey them for any consideration whatsoever.

The above law deals with occupation where there is 'color of title.' As to occupation 'without colour of title,' we find no mention of it in the early history of the colony. It is as late as 1755 (ch. 5) that we find a law allowing a good title to those who could prove undisturbed possession for twenty years. Here also infants and femes coverts could sue within three years after removal of disabilities<sup>2</sup>. This law was on the statute-book of 1765. but in that of 1773 it was indicated as 'repealed by proclamation.' It embodies the only legislation on the subject that is to be found in the colonial laws.

JOHN S. BASSETT.

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<sup>1</sup> Revision of 1773, p. 4.

<sup>2</sup> Revision of 1765, p. 270.





**RUNNING THE BLOCKADE FROM CONFEDERATE PORTS.**

One of the most thrilling phases of the history of the Civil War is that which deals with running the blockade from, and into, the Southern ports. The absolute dependence of the South on European markets, both to sell her cotton and to obtain military supplies, induced the Confederate government early in its existence to foster blockade-running as much as possible. The convenience of neutral harbors in the West Indies, the Bahamas, and the Bermudas was especially fortunate for such plans, and the year 1861 was not half gone before a number of fast sailing, low built, duskily painted ships were plying with much regularity between these islands and Wilmington, N. C., Charleston, Savannah and other Southern harbors.

The destination of a blockade runner was usually Nassau. This place, until it became the metropolis of the blockade trade, was of very little commercial importance. Its inhabitants had supported themselves by a thriftless kind of agriculture and by a sharp—some times too sharp—practice of wrecking. They were idle, good natured, and unambitious. Had it depended on them to manage the blockade trade, the Southern Confederacy might have perished of starvation. English merchants, as well as the Southerners themselves, saw the favorableness of the situation. Ere long the streets and quays of Nassau filled with sharp-eyed men, whose whole bearing betokened the speculator. Agents for London firms opened offices and erected warehouses. Ships began to unload vast quantities of war supplies. The harbor swarmed with craft of all kinds. The one hotel, which had hitherto been a ruinous investment, now became a handsome property. The docks were crowded with rollicking sailors and lounging natives, the latter finding as stevedores the best employment they had ever had. Living of all kinds became extravagantly dear. The men who had so suddenly swarmed thither





were able to live high. The salary of the captain of a blockade runner was more for one month than that of the governor of the island for a year. The English garrison found the expense of living so great that they felt constrained to apply to their government for an increased allowance.

Of course the business of running the blockade was very profitable. The inward bound cargo was purchased at low figures in Europe and sold at high prices in the Confederacy. The return cargo was composed chiefly of cotton bought in a flooded market in the South and sold in a famishing market in Liverpool. As the war continued, these profits increased. If a ship could make only a few successful trips, the profits would be enough to enable the owners to realize a handsome sum, even though she should thereafter fall into the hands of the Union authorities. Those ships that made from twenty to fifty trips—and there were not a few of them—brought immense wealth to their owners. The officers and crews on such ships received, besides their liberal wages, a portion of the profits of the enterprise. While on shore at Nassau they were well provided for by the agents of the London owners. They were usually jolly and reckless fellows, willing to take a great deal of risk and quick-witted enough to extricate themselves from many a tight place. Many of the captains were Englishmen of prolonged naval experience. Some were officers of the English navy, who, tired of the inertia of life on half pay, volunteered in the present business, both for the money and the adventure to be had. If the ship were captured by the Americans there was no great danger for such men. The vessel would be taken to New York, where the ship and cargo would be confiscated, and those of the crew who were not Americans would be released as citizens of a foreign nation. An English officer in this service usually went under an assumed name. For instance, a certain "Captain Roberts," who commanded a



boat called "The Don," was in reality a titled officer in the British navy, and ended his life many years later as a high officer in the Turkish navy. He made six trips from Nassau to Wilmington and returned to England with a snug fortune.

Actually going through the blockade was not so perilous as one may at first be disposed to imagine. The attempt must be made on a dark night. The low-decked vessels were painted as nearly the color of the water as possible, so that they could not easily be discerned from a distance. The success of this feature of their construction is seen in the fact that one of them falling in during the early morning with a number of American cruisers on the South Carolina coast decided to lie to as near the coast as possible. Behind her was a dark outline of forest and here she lay for a whole day unrecognized by the several passing cruisers, who would gladly have snapped her up if she had been discovered.

A blockade runner, having loaded in a Southern port, would wait until a dark night and then, dropping down the harbor during the afternoon and lying concealed behind some highland till the tide was highest, she would make a sudden dash between the grim sentinels that composed the blockading squadron. It was something of an experience to go scooting at a sixteen-knot speed through a swarm of bellowing men-of-war, to hear the shots that were meant for your own unprotected hull whistling over your head, and to know that the next shot might be the one that would send your own craft to the bottom. Over such a scene would glare the rays of the Drummond Lights, which were burnt to reveal the whereabouts of the fleeing vessel. Great as the danger seems, it was not without elements of safety. The excitement often confused the gunners on the blockaders so that their shot went astray. Ten minutes of full speed through such an ordeal was enough to put a swift vessel out of immediate danger. An





hour more would put her beyond the reach of the squadron. From that time the trip might be uneventful until the neighborhood of Nassau was reached. Here a number of cruisers might be expected and the navigator must call forth his most careful seamanship. The Southerners used to complain that this was a virtual blockade of a neutral harbor, but could not get the British government to see the matter in that light. Here the danger was less than on Southern coasts, for the cruisers, being compelled to keep three miles from shore, could not concentrate so as to guard the channel. They accordingly were compelled to try to run down their victims. It created no surprise to see a smart blockade runner come flying into the harbor with an angry Federal cruiser closely at her heels. It was not always possible for the pursuer to refrain from sending a parting shot across the bow of the fugitive, even after the neutral line had been crossed. An hour later both ships might be lying at the same dock and their officers dining in the same hotel.

One of the best situated ports in the South for blockade running was Wilmington, N. C. After the capture of Norfolk, Va., it was farthest north of all the better Confederate ports, and consequently nearest to the most considerable military operations. The mouth of the Cape Fear river is surrounded by shoals and it discharges its waters through two channels or inlets. It was almost impossible to blockade such a place. The blockade runners, who carried their own pilots, often picked out safely and deftly the channel and triumphantly made the port, while the pursuing gunboats went aground on the shoals. Not all of the blockade runners, however, were so fortunate. The approach to the river is to this day lined with the wrecks of the unfortunates that in the ardor of flight ran on the shoals and were not able to get off again.

Of the vessels of this description that came into Wilmington, perhaps the best known was the *Ad-vance*—



named in honor of the wife of Governor Vance. This was a fast steam packet built on the Clyde, and known there as the *Lord Clyde*. She was purchased by the State of North Carolina and used in bringing in supplies for the army, as well as other freight. She made twelve trips successfully and her arrival on each occasion was hailed with thankfulness by the starving people of that State. At last she was captured on account of defective coal. She had been obliged to give up part of her regular supply of anthracite to a cruiser that had brought in two rifled guns for the forts, and to take instead a supply of coal from the Egypt mines. This choked the flues and made so dense a smoke that her course was revealed, and she was chased and captured. Another notable blockade runner from this port was *The Siren*, a fast but small boat of great beauty, that made as many as fifty successful trips.

The actual conditions of life on a blockade runner may best be seen by following the experiences of a captain engaged in that business. One of the best for this purpose is the experience of Captain John Newland Maffit, which I shall relate.

Early in 1862 Captain Maffit sailed about dusk from Nassau for Wilmington, N. C. At daybreak on the following day he found himself in the company of three American cruisers. Increasing speed to the fullest capacity he sailed away from these although they fired briskly. In a few hours he discovered two more just ahead and sailing straight for him. These he managed to escape by running a zig-zag course. A short time later he came across a Spanish ship on fire. Sending a man aloft to keep a sharp lookout, he sent an officer to the distressed vessel. The flames were soon extinguished, thanks were returned, and Captain Maffit sailed on his hunted way. He especially relished the aiding of the Spaniard, because on board of her were two New England ladies returning from a visit to Cuba. He chuckled to think what they would have said





had they known they had received aid from a blockade runner of the Confederates.

On the evening of the succeeding day he found himself without further adventure seventy miles southeast of Wilmington. He dashed off sixty miles at full speed and arranged to pick his way carefully through the blockaders for the other ten. The usual shore lights had been extinguished for fear they might aid the Federals in some scheme of night attack. Says Captain Maffit: "Success in making the destined harbor depended on exact navigation, a knowledge of the coast, its surroundings and currents, a fearless approach, and the banishment of the subtle society of John Barley-corn." In this case his calculations were well made. Just as the lead indicated he was nearing the shore, he heard seven bells strike ahead of him. It was the time for high tide on the bar, as he expected it should be. Looking forward he could dimly make out two men-of-war, so placed as to indicate that the channel lay between them. He decided to dart through, hoping to pass unnoticed, and ordered full speed ahead. A hissing sound, followed by the ascent of a rocket, told him he was mistaken in this. Suddenly a speaking trumpet, that seemed to project over his very deck, commanded: "Heave to, or I will sink you!" "Ay, ay, sir!" came the reply. And then in a loud voice: "Stop the engines!" Every Confederate heart sank. The dreaded fate they had feared so long had come. It was surrender. By this time the momentum of the vessel had carried her beyond the two sphinx-like sentinels, who were making ready to send a boarding party. The gruff voice again rang out: "Back your engines, sir, and stand by to receive my boat." "Full speed ahead, sir, and open wide your throttle-valve!" said Captain Maffit, in a low voice, to his engineer. In the darkness the Federals could not tell that the vessel was not really backing, and, having gotten ready to board, their gunners were not in position to fire instantly. They were soon undeceived and hurriedly opened fire. They





burned Drummond lights, but the mists refracted the rays so as to raise the ship above her true position. Accordingly, many shots passed over her hull, but none struck it.

The next few moments were anxious ones for those on board with Captain Maffit. The ship carried nine hundred barrels of powder, and a hot shot into these might send the crew to a fate more awful than capture. As a matter of fact they escaped by a few moments of rapid sailing, and a short while later they were quietly anchored beneath the guns of Fort Fisher. Next morning the vessel proceeded at an easy sail to Wilmington, where she quietly unloaded her cargo. The gunpowder was sent to the front, and General Johnston used it a few days later in fighting the battle of Shiloh. It was a thrilling adventure, and it illustrates, and better than anything else, the life that men who ran the blockade lived and the spirit it was necessary to have in order to go through it. It indicates one of the most worthy fields of investigation in the whole story of our notable war.

JOHN S. BASSETT.

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#### THE LEGAL REGULATION OF PUBLIC MORALS IN COLONIAL NORTH CAROLINA.\*

The first provision made for a church in North Carolina was in the charter granted to Sir Robert Heath in 1629. Other church provisions were re-enacted in charters to the Lords Proprietors in 1663, and in 1665. Of course these provisions were for a state church, all the efforts on the part of the authorities in England being in this direction, that is to say, to incorporate church and state. The first effort to put these provisions into practice was the vestry act of 1701. Another act, that of 1704, precipitated the Cary Rebellion. From 1730 till 1773 the "Schism Act" was enforced.

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\*In preparing this paper I have consulted "*The Public Acts of the Assembly of the Province of North Carolina*," and "*Church and State in North Carolina*," by S. B. Weeks, Ph. D.



The British Toleration Act, or Act of Indulgence, of 1689, defined the position of dissenters from the Established Church. Dissenters were allowed places of worship protected from disturbance, if they took the oath of allegiance and subscribed to the declaration against transubstantiation. But such congregations had to be registered, and the doors of their meeting-houses left unlocked and unbarred. All ministers had to endorse the Anglican creed, except that Baptists were relieved from subscribing to the doctrine of infant baptism, and Quakers must adhere to the government, abjure transubstantiation, profess faith in the Trinity and in the inspiration of the Bible. Dissenters were excluded from the English universities, and the Anglican ceremony alone was good enough to tie the matrimonial knot. The Corporation and Test Acts kept many from entering corporations or holding public offices.

From 1701 till 1710 there was much opposition to the Establishment, but in the latter year the churchmen got the upper hand and held it for some time. Unexecuted statutes provided for from £30 to £50 for ministers' salaries. The vestry act of 1715 was the first church act to come down to us. The legislation of this troubled period clearly indicates that the right to dissent was not yet to be recognized. The vestrymen appointed in the various parishes were compelled to subscribe to the Anglican creed under pain of a £3 fine, unless they were avowed dissenters. Vestrymen and church-wardens were granted power to purchase glebes and build churches in each precinct with money levied on the poll and collected under a heavy penalty in case of refusal or neglect of payment. But laws are hard to enforce where the moral sentiment of the people is not behind them.

After all this legislation churches and ministers were hard to find in the province, for salaries were small and hardships numerous. The Society for the Propagation of the Gospel, to supply the great need of preaching, now sent missionaries to this promising field. The first eight





who came under the auspices of this society were either extremely weak or vicious. Some were cowardly and vacillating; some were knaves, some thieves, and one was a drunkard. John Urmstone was fond of cider, rum, and trading. He was called "the starving missionary," from his continual complaint of hard times. He was the plague of the church in the province for ten years. This dissipated, worldly-minded divine suddenly disappeared in 1721—presumably to ask of St. Peter admittance at Heaven's gate. It is said the cause of Christ would have been the gainer had he never set foot within the borders of the colony. He was a slave-owner, a liquor-vender, a chronic grumbler, an incorrigible liar, and very avaricious. He administered the sacrament twice in the space of five years. He was much worse than the men he came to save. The next two missionaries, James Adams and William Gordon, were good men. The former remained in the province four months, the latter two years, although suffering greatly in both body and mind. He administered the sacrament several times and baptized nearly three hundred persons.

The Establishment is largely responsible for the backwardness of the State in education and intellectual pursuits. No school teacher was allowed to leave England or to keep school in the province without license from the bishop of London. Restrictions were placed on all schools. In fact, the establishment of schools was not encouraged. While the Occasional Conformity Bill, supplemented in 1714 by the Schism Act, was intended to exclude dissenters from all posts of honor, power and profit, the Schism Act did operate to crush their seminaries and deprive them of the means of educating their children. This was the heritage the mother country gave us. Under these restraints the people were restless. Their opposition had a wholesome effect upon the rulers. The spirit of fear went far toward mitigating the original instructions of the governors. The people were opposed to paying taxes imposed in the name



of religion, when that religion was construed to be identical with conformity to the established church. Out of a poll tax of five shillings imposed for religious purposes, little more than enough was collected to pay the readers who officiated on Sunday, and the occasional clergyman coming from Virginia to preach before the Assembly.

In 1734 Gabriel Johnston became governor. Notwithstanding their folly clearly exposed by former failures, the same instructions that had been sent to Gov. Burrington were repeated to Gov. Johnston, including the church acts and the Schism Act. Gov. Johnston was zealous for the Church. The condition of public morals was painful to him. He reminded the Assembly that the instructions for establishing the clergy were already on their books. He was much grieved at the deplorable and almost total want of divine worship in the province, and wrote feelingly and eloquently about it. In his address to the Assembly in 1739 he says: "The establishment of the public worship of Almighty God, as it is the great foundation of the happiness of society, and without which you cannot expect His protection, deserves your earliest care. That in such a wide-extended province as this is, inhabited by British subjects, by persons professing themselves Christians, there should be but two places where divine service is regularly performed, is really scandalous. It is a reproach peculiar to this part of His Majesty's dominion, which you ought to remove without loss of time." In 1741, under Gabriel Johnston's administration, the only general church act was passed. It provided for a poll tax of five shillings. As this was inadequate in some parishes, special taxes were levied there. As money was scarce, provision was made for paying these taxes in commodities at fixed rates. Stringent fines were imposed upon all refusing or neglecting to pay these taxes. Where the Assembly authorized the establishing of a church, until such house could be built, the courthouse in that parish might be used for religious purposes.





Gov. Johnston believed that it was the duty of all well-regulated governments to keep the Lord's Day holy, and to suppress vice and immorality. So he recommends that all on that day apply themselves to the duties of religion and piety, and by the act of 1741 it was made a misdemeanor to engage in ordinary labor, or in gaming or sport, on land or on sea, within his jurisdiction. Swearing before any one was a grave and punishable offence, but before the representatives of the law the fine was heavier. Drunkenness on any day was fined, but on the Sabbath the fine was doubled. Each party in an act of fornication was fined twenty-five shillings. The father of a bastard was compelled, on pain of imprisonment, to support it; but if the mother would not reveal the father, she was responsible for its support. The provisions in this paragraph were authorized to be read publicly in all places of worship, by the minister, clerk or reader. Persons unable to pay the fines for drunkenness or swearing before a court of record, were put in the stocks not exceeding three hours. A courthouse, a prison, and stocks were ordered to be built in every parish. Violators of the tippling-house ordinance, upon failure to pay their fine or give security, were subjected to the whipping-post. The next year after Gov. Johnston's death all excessive and deceitful gaming was prohibited. One-half of the fines accruing from the violation of this ordinance was devoted to the poor. One-half of all fines arising from violation of acts mentioned herein went to the informers. The other half was devoted sometimes to the Church, sometimes to the province.

Gov. Johnston died in 1752 and was succeeded by Arthur Dobbs. In 1730 the authorities in England had instructed Gov. Burrington to enforce the Schism Act, which had resulted in crippling the educational interests of the colony; these same instructions were, in 1733, renewed to Gov. Johnston; and in 1754, after twenty years of failure, the authorities, having gained no wisdom, again





renewed their old instructions, including the Schism Act. It seemed the home government was doing all in its power to hinder the growth, development, and liberty of the province. Gov. Dobbs began his administration in 1754 with an earnest effort to provide support for a sufficient number of learned, pious clergymen, who were to live in the province. He wished to accommodate these ministers with houses, glebes, and parish clerks, that the rising generation might be instructed in the principles of true religion and virtue.

The next ten years were years of trial. Act after act in regard to church-building or the hiring of clergymen was passed and almost immediately repealed. In 1760 great numbers of dissenters flocked into North Carolina, mainly from New England—Anabaptists, Methodists, Quakers, and Presbyterians. The Anabaptists and the Methodists were distinguished by their ignorance and obstinacy. The dissenters rendered the ministry and liturgy of the Church of England as odious as possible, that they and their doctrines might be the better supported. There was much scheming and corruption. Men took advantage of the technicalities of the acts of the Assembly to become vestrymen, after which they succeeded in making the laws null and void. Vestries worked for their own interests, performing their civic duties and ignoring their ecclesiastical functions. In Rowan county vestrymen refused to qualify and business was obstructed. They wrangled constantly with the governor for an increase of their functions. Many would not go to the polls on election days, so an act was passed to compel all except Quakers to vote or pay a fine of twenty shilling. Shackles were put on all schools. After the repeal of the Schism Act in England, it was re-enforced three times in North Carolina. In educational matters there was less freedom in 1773 than in 1673. A more rigid conformity was required in Carolina than in England. This was tyranny. The history of provincial



North Carolina shows a continual struggle against a government which blindly sought to repress all aspirations whether political, religious, or intellectual.

An act of 1669 had made marriage a civil contract for lack of clergy. In 1715 magistrates were empowered to perform the marriage ceremony in parishes where there was no minister. In 1741, in the palmy days of good old Gabriel Johnston, the right was taken from all dissenting ministers except Quakers, and provision was made that the ministers of the established Church should get all marriage fees, it mattered not who had performed the ceremony, unless the churchmen had positively refused to do so. Marriage of whites to negroes or Indians was prohibited. This was well enough. By this religious persecution, the rights of Quakers and Baptists were taken away. Strange discrimination it was to favor the Quakers in some respects and oppress them in others. The Baptists seem to have been always unfortunate. The Methodists had not yet figured very largely in the province. The Presbyterians ignored all legislation in regard to marriage, and married when they pleased, and doubtless as they liked, in the most approved style; that is, without license or publication. In 1766 the restriction was removed from regularly called Presbyterian ministers, but the minister of the Church of England in the parish got the fee. Not until the Revolution and the constitution of 1776 had swept away the Establishment did the dissenting clergy have the legal right to perform the marriage ceremony.

Presbyterian and Quaker ministers, by special enactment, were released from general or private musters. Baptist ministers had to attend.

While dissenters suffered distraint for tithes and military levies, they were not imprisoned, and only one man, named Borden, was deprived of office on account of religious views. However, dissenters did not figure prominently as officeholders during the royal period. Sixty-six





years of constant agitation culminated in the Mecklenburg instructions of 1775 and the Declaration of Rights in 1776, and crystalized in the Halifax Constitution of 1776 and in the final adoption of the Federal Constitution of 1789. The final triumph of absolute religious freedom in this State was attained by the removal, in 1835, of what seemed to be a ban on Roman Catholics.

B. F. CARPENTER.

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**BART. F. MOORE ON SECESSION AND RECONSTRUCTION.\***

Bartholomew Figures Moore was born near Fishing Creek, Halifax County, N. C., January 29, 1801. The first seventeen years of his life were spent on his father's farm. In 1818 he entered the State University and was graduated from that institution in 1820. From 1820-23 he prepared himself for the practice of law, which he began at Nashville, N. C., remaining there until 1835, when he removed to Halifax county, his old home. In December, 1828, he was married to Louisa Boddie, daughter of Geo. Boddie, Esq., of Nash county, who died November 4th, 1829.

On April 19, 1835, he married Lucy W. Boddie, another daughter of George Boddie, Esq. He served in the House of Commons from 1836-'44, with the exception of '38. In 1848 he was appointed by Governor Graham as Attorney-General of the State, and the next Legislature elected him to that position. In 1857 he resigned the position of Attorney General in consequence of an appointment on a commission to revise the statute law of the State. In 1848 he moved to Raleigh, where he remained until his death on November 27, 1878.

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\*The material from which this paper was written was taken from a Memorial Pamphlet, issued by the Bar of North Carolina, and letters written by Mr. Moore to his daughter, Mrs. Capehart, of Kittrell, N. C. They belong to the papers of the Historical Society of Trinity College.



In all the long career of Mr. Moore, as a lawyer, a statesman, or as a private citizen, there is probably nothing which brings out the true character of the man so well as the course he chose to pursue during the days of secession and reconstruction. He was by conviction a Federalist, both in politics and in the construction, which, as a lawyer, he placed upon the Constitution of the United States, and when the question of secession arose he declared himself unalterably opposed to it. For his views he was bitterly denounced by some, but few then stopped to consider, and fewer still recognized, the true motive which prompted him in taking such a course.

Viewed in the light of the then existing circumstances, it was indeed a bold step, and one fraught with the most serious consequences, especially to a man in the high position to which Mr. Moore had attained. He was then, and had been for many years, looked upon as one of the best, if not the best, lawyers in the State. His brief in the celebrated case of the State vs. Will, which, when decided, settled then and forever afterwards the true relations between master and slave in North Carolina, stood then, as it probably does until this day, as the greatest piece of legal argument ever produced in the State. The revision of the statute law of the State, which was entirely under his supervision, and a great deal of it his individual labor, was looked upon by the ablest critics as a work of marked ability. Had he espoused the cause of secession, no man would have stood higher among the leaders than he. But fortunately Mr. Moore was prompted by higher and nobler motives than the mere mercenary, and although deserted by friends and colleagues, he remained true to his honest convictions and unhesitatingly declared his opinion whenever and wherever the opportunity presented.

Mr. Moore was not blind to the fact that the South had grounds for complaint, as he says in a letter to his daughter: "I would not impress upon you that the South has no





cause of complaint. She has many, but if for such cause a people may quit their alliances, then there can be no durable union."

To him there could be no reliable liberty of the State without the union of the States. He was a close student of the Constitution of the United States and thoroughly understood the principles upon which it was founded. He plainly foresaw the almost inevitable results of a union of the Southern States based upon the principle which prompted secession. A nation composed of States whose union was optional, and necessarily weak, could only come to confusion and ruin.

Probably his own words can give us the best idea of how he looked upon the matter. In his will he says: "I was unable, under my conviction of the solemn duties of patriotism, to give any excuse for, or countenance to, the civil war of 1861, without sacrificing all self-respect. My judgment was the instructor of my conscience, and no man suffered greater misery than did I, as the scenes of battle unfolded the bloody carnage of war in the midst of our homes. I had been taught under the deep conviction of my judgment that there could be no reliable liberty of my State without the union of the States, and being devoted to my State, I felt that I should desert her whenever I should aid to destroy the Union. I could not imagine a more terrible spectacle than that of beholding the sun shining upon the broken and dishonored fragments of States dissolved, discordant and belligerent, and on a land rent with civil feuds and drenched in fraternal blood. With this horrible picture of anarchy and blood looming up before my eyes, I could not, as a patriot, consent to welcome its approach to 'my own, my native land,' and truly was I happy when I saw the sun of peace rising with the glorious promise to shine once more on States equal, free, honored and united."

There have been few, if any, of our great men who have





placed a higher estimate upon a good government, and a free and contented people, than did Mr. Moore. He hesitated at no obstacle, it matters not how great, when the purity of the government was at stake. In a letter to his daughter he says: "I have written, my dear child, more on politics than I intended, but how can I help it, when I regard our country as the best inheritance I can leave to my children; of far greater value than all my property, if that might be preserved in the general wreck of the financial affairs of the day."

Never did Mr. Moore show the honesty of his purpose, and the true love he felt for North Carolina better or to more effect than in the service which he rendered in the utter confusion which followed immediately upon the surrender. Time had proved the correctness of his views, and now when the days of reconstruction began he came forward as the leader in restoring North Carolina to her former position in the Union, which he had fought so hard for her to maintain. On account of his position in regard to secession, the Federal authorities sought his advice. Just after the close of the war President Johnson invited Mr. Moore to come to Washington to join in a consultation in regard to the taking of North Carolina back into the Union. He advised that she should at once be recognized with only such changes in her constitution as were necessary to make it better conform to the changed state of affairs. These changes he said the people should be allowed to make themselves and in their accustomed way. Mr. Moore's advice was not heeded, but it did not cause him for a moment to cease his efforts in his State's behalf.

When the Constitutional Convention was called by President Johnson, Mr. Moore was a prominent member and warmly supported the adoption of every measure which tended to place North Carolina in what he conceived was her proper place in the Union. His ambition was that she should not have her privileges curtailed, but should stand on



an equal footing with any State in the Union. Although he believed in the freedom of the slaves, yet he was bitterly opposed to negro suffrage and vigorously fought against it. He realized that the ignorant negroes had no idea of self-government, and to place the ballot in their hands meant no end of trouble for the whites of the South. Military rule was alike obnoxious in his sight. The presence of Federal soldiers to enforce laws was in direct opposition to what he considered the rights of North Carolinians to govern themselves.

Mr. Moore had little respect for the constitution of 1868, which was drawn up by a convention acting under the orders of General Canby, and which is now generally known as the "Canby Constitution."

In a letter dated March 28, 1868, he says: "It is in my view, with some exceptions, a wretched basis to secure liberty or property. The legislative authority rests upon ignorance without a single check except senatorial age against legislative plunder by exorbitant taxation." Further on in the same letter he says again: "The Radical party purposes to fill our Congressional representation with those men recently introduced from other quarters of the United States, and to impose them upon us through the instrumentality and league of the ignorance of the State, nor have they stopped there—they have proposed for the administration of justice in our Superior Courts men whose knowledge of law is contemptible and far below the requirements of a decent County Court lawyer. The party has had no regard, unless where they thought they would increase their strength, for the selection of a single man of worth or intelligence for any office, however high might be the qualifications demanded for it."

Soon after the adoption of the Canby constitution political excitement in North Carolina became very intense, and certain judges of the Supreme Court openly engaged in the canvass. Against this Mr. Moore felt that something





should be done to preserve the purity of the court. He was the oldest member of the bar and naturally felt that he should take the lead in the matter. Accordingly he drew up and had published in the *Daily Sentinel* of April 19, 1869, the following article, entitled: "A Solemn Protest of the Bar of North Carolina Against Judicial Interference in Political Affairs." "The undersigned present, or former, members of the bar of North Carolina, have witnessed the late public demonstrations of political partizanship by the judges of the Supreme Court of the State with profound regret and unfeigned alarm for the purity of the future administration of the laws of the land. Active and open participation in the strife of political contests by any judge of the State, so far as we recollect, or tradition or history has informed us, was unknown to the people until the late exhibitions. To say that these were unexpected, and a prediction of them by the wisest among us would have been spurned as incredible, would not express half of our astonishment or the painful shock suffered by our feelings when we saw the humiliating fact accomplished. Not only did we not anticipate it, but we thought it was impossible to be done in our day. Many of us have passed through political times almost as excited as those of to-day: and most of us, recently, through one more excited; but, never before have we seen the judges of the Supreme Court, singly or *en masse*, move from that becoming propriety so indispensable to secure the respect of the people, and, throwing aside the ermine, rush into the mad contest of politics under the excitement of drums and flags. From the unerring lessons of the past we are assured that a judge who openly and publicly displays his political party zeal renders himself unfit to hold the 'balance of justice,' and whenever an occasion may offer to serve his fellow-partizans he will yield to the temptation, and the 'wavering balance' will shake.

"It is a natural weakness in man that he who warmly



and publicly identifies himself with a political party will be tempted to uphold the party which upholds him, and all experience teaches us that a partizan judge cannot be safely trusted to settle the great principles of a political constitution, while he reads and studies the book of its laws under the banners of a party.

“Unwilling that our silence should be construed into an indifference to the humiliating spectacle now passing around us; influenced solely by a spirit of love and veneration for the past purity which has distinguished the administration of law in our State, and animated by the hope that the voice of the bar of North Carolina will not be powerless to avert the pernicious example which we have denounced, and to repress its contagious influence, we have under a sense of solemn duty subscribed and published this paper.”

The above article was signed by one hundred and eight prominent attorneys, which was about one-fifth of the entire number in the State at that time. The matter was taken up at once by the Supreme Court and the famous “contempt proceedings” begun. Chief Justice Pearson issued orders that those lawyers whose names were signed to the article should hereafter be debarred from further practice in the courts unless they should appear before him and show cause to the contrary. To save expense and shorten matters notice was served on only three of the attorneys, Messrs. Moore, Bragg and Haywood. When answer to the charge was made, Messrs. Battle, Person, Fowle and Barnes appeared for the defendants. No denial of writing and publishing the article was made by the defendants, but they did disavow any intention of committing contempt or of doing injury to the court. On the other hand they declared their purpose was to preserve the purity of the court and protect the administration of justice. Judge Pearson gave quite an elaborate opinion on the case, strongly implying the guilt of the parties accused, but decided under the law which grants the accused the





privilege of coming into court and purging himself by pleading a disavowal of any intention to commit contempt. Their disavowal, coming within the rule, they were excused, but not acquitted.

The court seemed glad to let the matter go as it did, and well it might. The rebuke was merited, and the court has never recovered from its effect.

No one can doubt the honesty of Mr. Moore's motives in administering this reproof, and although he came out of the contest victorious, the whole matter was a source of the deepest regret to him. He says in a letter to his daughter: "While I rejoice that my course is sustained by all the virtuous and sensible, yet I weep over the degradation into which the court has plunged itself and the liberties of freemen. I had no purpose to degrade the court; God knows that my only object was to purify and elevate it. The conduct of individuals composing the court was unbecoming the judges according to my judgment, founded upon all the past examples of the enlightened men who had adorned our annals. I saw that if such conduct should be tolerated and become common, the judiciary would sink into partizan political corruption. I felt it my duty, as the oldest member of the bar, to lift my wavering voice against the pernicious example. I did so as an act of duty. I feel now still more sensibly that it was my duty."

This one act was probably the greatest single service ever rendered by any man in our State in the cause of the administration of justice. The same spirit of bold opposition to what he considered harmful to the State, which characterized Mr. Moore's course during the days of secession and reconstruction, is seen throughout his entire life. And whatever may be said of him along other lines, he certainly stood as an unselfish protector of the people's interests, displaying in his actions a foresight and sound judgment displayed by few.

J. P. GIBBONS.





## THE LIFE AND CHARACTER OF JACOB THOMPSON.

North Carolina has contributed much to the history of other States. Many of our promising youths have gone to add their lives and talents to increasing the honor rolls of other sections of the Union. Upon all such she looks with pride and pleasure. But she is not willing that all the honor coming from such lives be claimed by the States of their adoption. It is a circumstance of no small consideration for one to have been a true, native North Carolinian. There is a solidity and strength of character in the general tenor of our good old State that will make itself felt wherever you find it. The mother takes some credit to herself for the achievements of her sons.

One life we should not fail to lay great claims to is that of Jacob Thompson, a native North Carolinian, who gave his life work to the State of Mississippi. He served twelve years as Congressman from that State during one of the most trying periods of the Nation's history, and filled the office of Secretary of Interior in the cabinet of James Buchanan. He was one of the strongest men of his time and exerted a powerful influence in the Nation's capital in the days when Webster, Clay, and Calhoun were crossing swords in the Senatorial arena. His life is worth considering.

He was born in the beautiful little village of Leasburg, in Caswell county, North Carolina, in 1810. His father was Nicholas Thompson, who moved from Orange county and settled in Leasburg about 1801. He was of Scottish descent, and inherited much of the energy and fortitude inherent in the people of the land of Bruce and Wallace. He accumulated a large fortune by farming, tanning leather, and harness making. He was thoroughly honest and upright in all his dealings. It is a fact worthy of notice, that in tracing the ancestors of Jacob Thompson back for several generations, we find them remarkable for their integrity and fidelity to principle.



The wife of Nicholas Thompson was Lucretia Vanhook, daughter of Jacob Vanhook, a Revolutionary soldier, and a man of considerable influence. Eight children were the result of this union, six boys and two girls. The boys' names were, Joseph Sidney, James Young, Jacob, John, William, and George Nicholas; the girls were Ann and Sarah. Of this number, only two are now living,—William Thompson, an influential lawyer of Oxford, Mississippi, and Mrs. Sarah M. Lewis, of College Hall, in the same State. Joseph Sidney, the eldest, was for some time a successful merchant of Leasburg. He died several years ago. James Young, and John were both prominent physicians of Mississippi. Ann became the wife of Yancey Wiley, a nephew of Bartlett Yancey, Caswell's distinguished statesman. These two, Mr. and Mrs. Wiley, also made Mississippi their home. The youngest son, George Nicholas, became a lawyer, settled in Leasburg, and rose to be a leader in the politics of Caswell county.

The subject of this sketch early showed the qualities that added so much to his name in after life. He was a bright, energetic, industrious boy, noted for his remarkable will power. He was prepared for college at the Hawfield school in Orange county, and he entered the University of North Carolina in his seventeenth year. He graduated in 1831, and received the first honors of his class. On the day of his graduation he was appointed one of the tutors of the college. While in college he was converted and for some time thought seriously of entering the active ministry of the M. E. Church, South. Finally, however, he decided to be a lawyer, and after eighteen months' efficient work as a teacher, he resigned his position and began the study of law under Judge John M. Dick, of Greensboro. In eighteen months he received license to practice in the Inferior Courts of the State, and in 1835 he was admitted attorney and counsellor-at-law in the Superior Courts of the State.

At this time Mississippi, with its vast, undeveloped resources, was a tempting field for strong, ambitious young





manhood. Thompson was attracted by it and soon left his native State for this rapidly advancing section of the Great Valley. At the advice of his brother he settled at Pontotoc. The Chickasaw Indians had just ceded the beautiful section around Pontotoc to the government. Owing to the conveyance of lands a great deal of business was required of lawyers in that section. Young Thompson threw all his tireless, well-equipped force into the work, and soon rose in popularity and influence. He made money fast.

But his friends would not let him keep out of politics. The community soon became divided on the question as to whether the State should endorse the Union Bank bonds for \$5,000,000 or not. The first political speech ever made by Mr. Thompson was at a meeting held at Pontotoc for the purpose of favoring that policy and instructing the representatives in the Legislature to vote for the endorsement. Thompson opposed the resolution in a strong and able speech which attracted attention throughout the State. He denounced the banking mania which was running riot over Mississippi, and predicted that the sequence would be overwhelming ruin and universal bankruptcy. The resolutions were adopted, however, but in a short time the whole State had serious cause to regret that Thompson's warning had not been heeded.

After this he was pressed into political service. In 1837 he was nominated candidate for the Attorney-Generalship of his State on the Democratic ticket. He was defeated by a small majority, but in all sections where he was known he received an almost unanimous vote. About this time banks were suspended all over the Nation and the Democratic party seemed to fall into despair, especially in Mississippi.

Under those circumstances Thompson was nominated for Congress in 1839. He was quite young for such a position, but he made an exceptionally strong canvass and was elected by a handsome majority. For twelve successive years he served his State in this capacity, doing valuable work for Mississippi and for the country at large.



His talents and good qualities were recognized soon after he took his seat. In 1841 his second nomination for Congress was made. About that time the Union Bank became utterly bankrupt. The bonds of the Bank which the State had endorsed, and on which the Bank had raised capital to run its career, had been dishonored and the State was called upon to renew its endorsement. The Governor had refused payment on the ground that the State was not legally or morally bound, and an appeal was made to the people. Mr. Thompson was called upon for his views. He supported the Governor in his refusal in a letter setting forth the position so clearly that his views were accepted by the people and were adopted by the Legislature of the State. During the ensuing session of Congress offensive allusion was made on the floor of the House to Mississippi's action in the matter. Mr. Thompson, without any previous preparation, championed the cause of his State in a strong, masterful effort that put a stop to all sneers. This speech is before me and I find it interesting and full of sound reasoning. I cannot give a fair synopsis of it, and will not attempt it. It is the voice of a true statesman and of a great man. Among other things Mr. Thompson condemns the idea of a State or Nation contracting a debt by issuing bonds for loans. He holds that in times of peace no government should contract a permanent debt. He did not believe in giving capitalists and brokers a hold on the Treasury of State or Nation. He also made an eloquent defense of Mississippi's action in not sustaining the bonds. I should like to quote passages of this address, but space is not sufficient.

When the convention of 1844 met, the question of the annexation of Texas was the most prominent issue. As is well known, Henry Clay, on account of his honest opposition to annexation, failed to get the nomination, and James K. Polk was nominated. Jacob Thompson did much toward securing this nomination. He aided Robt. J. Walker in writing the celebrated letter which made annexation the issue





of the campaign. When Polk was elected he informed Walker that he could not offer him any cabinet position, except that of Attorney-General. Walker wanted a higher place and appealed to Thompson to use his influence toward getting it for him. Thompson influenced Polk to make Walker Secretary of the Treasury. When Walker heard of it, he exclaimed: "Oh, Thompson, you are my best friend! Your zeal and firmness have saved me. I can never, never forget you." I will mention in passing that Walker proved to be an unprincipled office-seeker and basely ungrateful to Thompson.

When the Mississippi Democratic Convention met in 1851, Mr. Thompson requested them to nominate some other man for Congress. He had for some time been desirous of retiring to private life and spending the remainder of his days among the quiet and peaceful scenes of his charming home. But when the convention looked for a candidate to fill his place, no agreement could be made, and Thompson was petitioned to become a candidate again. He at last consented. In this election, he was defeated on account of the weakness of his colleagues. He attempted to carry the whole district for his party and lost his own election.

For some time he had been regarded as one of the Father's of the House. His opinions were eagerly sought by his associates. I quote the following estimate from one well acquainted with his character: "Cautious and deliberate in taking all positions on all new issues, yet firm and resolute in maintaining them, he was ever consistent and became a leader on whom the most implicit reliance could be placed. Always prudent, yet firm and determined, sure of his position and well able to defend it, no constituency was ever served with more fidelity, honesty and efficiency, and none ever trusted a representative with more constancy and confidence." He was often weighed in the balance but never found wanting. In 1852, Mr. Thompson became a delegate to the Baltimore convention and contributed as much, and perhaps more than





any other one of its member, to the nomination of Franklin Pierce for the Presidency. After the election, President Pierce tendered Mr. Thompson the Consulship to Cuba but he respectfully declined the honor.

Soon after this, Mr. Thompson was strongly considered for the Senatorship from Mississippi, though Col. Jeff. Davis was finally selected.

In 1856, Mr. Thompson supported James Buchanan in the Presidential Convention. After the election, he was invited to take charge of the Department of the Interior in Mr. Buchanan's Cabinet. This he accepted and entered on his duties March, 1857. He found the Department a mere aggregation of bureaus, working entirely without concert, and the Secretary a mere figure head. With his old time energy, he went to work and infused new life into every department, united all the business under one head, himself the director. The department grew in favor and popularity with the whole country. The business transacted by it was enormous. The volumes of the decisions of Secretary Thompson in law cases alone, were larger than those of the Attorney General.

During this administration, the treachery of one of the clerks of the Department of the Interior caused much adverse and very unjust criticism of the worthy Secretary. An investigation was made by Mr. Thompson's political opponents to find out the truth and it was soon found that he was innocent of any of the charges his enemies had heaped upon him.

When the Civil War had broke out, Mr. Thompson volunteered his services. He went into active service and held several important positions during his stay in the army. He gave valuable assistance to General Pemberton around Vicksburg. He retired in 1863 to serve in the Legislature of his State.

Soon, however, there came a telegram from President Davis, calling him to Richmond. The President had heard that several thousands of people in Ohio, Indiana, and Illinois, were weary of the war and were ready to take up arms and



demand of the United States Government a cessation of hostilities. The Confederate Congress had voted an appropriation toward arming these people, and directed President Davis to send one of our most discreet and reliable citizens to Canada, to confer with those who sympathised with the Confederacy and were willing to aid in bringing the war to a close. This was a secret mission and one liable to subject the ambassador to slander and misrepresentation by the unscrupulous. Mr. Thompson hesitated before accepting it. But he felt it his duty to serve his country in any honorable way possible, and finally accepted. Accompanied by C. C. Clay and W. W. Clery, he ran the blockade at Wilmington, N. C., and sailed to Halifax, Nova Scotia; from thence he went to a point south-west of Montreal where he could confer with the people of the States mentioned above. His experience here read like a romance. Nothing of value, however could be accomplished and he ordered the escaped Confederates under his charge to return home. These were panting for revenge, and, going contrary to Thompson's order, made a rade on the town of St. Albans, in Vermont. For this deed committed by a band of unruly, revengeful prisoners, Mr. Thompson was called an incendiary by the press of the time. He made no defense whatever, but waited for time to reveal the right. He was soon cleared of all such base accusations.

While Thompson was on his way to Halifax from Montreal, President Lincoln was assassinated. Then one of the most unpardonable plots was conceived by certain authorities in Washington City. They decided to charge the President of the Confederacy and his commissioners in Canada with deliberately planning this terrible crime. Perjured testimony was obtained by bribery. A proclamation was issued offering a large reward for the arrest of Jefferson Davis, Jacob Thompson, Clement C. Clay, and others. A friend told me recently that he saw a copy of a telegram in the Historical Collection of the Johns Hopkins University, which reads: "Arrest Jacob Thompson." This tells the tale.





When Thompson heard of this his first impression was to present himself at Washington City, and demand a trial. His friends fearing that justice would not be done him by the authorities in power persuaded him not to do this.

Mr. Lincoln and Mr. Thompson had served in Congress together and had formed there a true and lasting friendship. Each admired and respected the manly qualities of the other. Thompson recognized in Lincoln a real friend and not an enemy of the Southland, and instead of rejoicing at the assassination of the President, he mourned it as a public calamity and a private sorrow. Only a short while before the assassination, Thompson had been recognized by some Federal authorities in Portland, Maine, where he was seeking a vessel on which to escape from the country. The Secretary of War was about to issue an order for his arrest, Mr. Lincoln hearing of this, only a few hours before his assassination, suspended the issuing of the order and expressed a wish that Thompson be allowed to leave the country unmolested. This shows the relations existing between them. It is needless to add that subsequent history has obliterated the envious calumny.

Mr. Thompson and his family soon sailed for Europe where they spent several years before returning to their homes in Oxford, Miss.

Soon after going to Mississippi he had been married to Miss Catharine Jones, the only daughter of Paton Jones, a very wealthy and prominent man. Mrs. Thompson was a lovely woman, possessing fine taste and judgment. She was a favorite of society in Washington, and made the home of her husband the favorite resort of Senators and Representatives. Between her and her husband the utmost harmony and confidence existed.

Their only son, Caswell Macon, married a Miss Fox, and died leaving a widow and two little girls to be cared for by his parents. One of these grand-children is Mrs. Van Leer Kirkman, the beautiful and accomplished Lady Manager of Nashville Exposition of 1897. Her picture appeared in *Munsey's Magazine*, a few months ago.



In private as well as public life, Jacob Thompson bore himself as a man of high character. One says of him: "He was a dear, good man, an excellent friend, sympathetic in nature, kind and generous. In manner dignified, commanding respect. He was remarkable in being never overbearing to inferiors." He was a very successful business man, and managed a large plantation with large profit to himself. He often loaned money but never charged interest. He did not believe in charging interest.

I will close as I began, that North Carolina will do well to lay some claim to the achievements of her distinguished son. His life reflects credit on his mother State, on his adopted State, and the nation at large. The best that can be said of him is that he was a man brave and true. In all his remarkable and chequered existence, he never sold his birth-right. In this age, when the forms of the demagogue and unprincipled office-seeker are so clearly outlined on our political sky, it is refreshing to turn and gaze on one who knew what it meant to be a true citizen of his country.

J. F. BIVINS.



## BOOK NOTICES.

JOHN S. BASSETT.

*Robert E. Lee and the Southern Confederacy.* By Henry Alexander White. Heroes of the Nation's Series. (New York: G. P. Putnam's Sons. 1897. Pp. xiv, 467.) Here is a good military life of General Lee, and a clear view of the Civil War from the Southern standpoint. The strong points of the work are clearness, force, sustained interest, directness, and elevated ideas. Lee is painted as the hero, and yet the narrative is not weakened by that provincial tone of self-confidence that often appears in books by Southerners about their own prominent men or about their own history. Back of Lee the soldier is Lee the man. In Dr. Worth's treatment of this side of his subject is seen the charm peculiar to Virginia breeding which writers like Thomas Nelson Page, and Dr. Woodrow Wilson in his *Washington* have made familiar to many readers. This book is noteworthy for another reason: It is a triumph of reconciliation and union to put a life of Lee in the Heroes of the Nation's Series. Its contemporary appearance with the life of General Grant means much. Both of these men are real American heroes and we of the South feel that Grant is as much ours as him whom we love the more only because he suffered with us the more—and whom we shall always revere as "Marse Robert." White's Life of Lee should be read by all Americans.

*American History Told by Contemporaries.* Edited by Albert Bushnell Hart. Vol. I. Era of Colonization, 1492-1689. (New York: Macmillan Co. 1897. Pp. xviii, 606). Here is undoubtedly a book that has been a long time needed. No teacher of History needs to be told that the best way to bring the life of the past into the minds of his students is by making those students go through the closest records of the people of the past. Such records should be original in the strictest sense. They should convey living impressions of conditions at that time. After a student has learned the outline of historical development his best work will be to master through the use of the records the same field taking up nation after nation. If time should be wanting one nation carefully studied in this way will be worth more than three nations skimmed through. In the selection of Prof. Hart's extracts much care has usually been shown; but the space assigned to North Carolina will not satisfy North Carolinians. It could have been wished that the Fundamental Constitutions had been omitted, since they reflect in the slightest sense any real life in the colony. When will historians cease to make this document the back-bone of our colonial history? For a glimpse of real conditions any of the letters of the governors, or the court records, which abound in the North Carolina Colonial Records, would have been more valuable. It ought to be added, however, that the selections of extracts in reference





to other Colonies seems to have been more wisely made. The selection in our own case is due no doubt, to the gross lack of sufficient interest in our own history by our own people. On the whole, Prof. Hart's work is of the greatest importance. Many teachers of American History must only await the completion of the series before making it a required parallel in their classes.

*The Church and Private Schools of North Carolina.* By Charles Lee Raper. (Greensboro, N. C.: Jos. J. Stone. 1898. Pp 247). This noteworthy book contains sketches of sixty-five of the leading church and private schools that have been founded in this State. It was desirable that this story should have been told. The author has told it in a direct, nervous manner, not devoid of interest. He has displayed much industry and patience. He has omitted some local high schools, especially in the Eastern part of the State. Many people will be disappointed because of the omission of Davis School. Possibly the system of preparatory schools established under the auspices of Trinity College should have been discussed. The first half of the book is better done than the latter half. It shows more deliberation. The latter part is not free from inaccuracies. For example, it is said (p. 197) that at the last sessions of the Methodist Conferences "It was decided to introduce a preparatory department [at Trinity College] beginning with the fall of 1898." This is not true. In another place (p. 190) I find this: "Seventy-five thousand dollars would have erected all the buildings the institution needed, or will ever need." But few who understand the conditions at Trinity would limit the development of the institution in the future to so small a plant. In speaking of the failure to get information from Littleton Female College the author says (pp. 240-1): "The writer has again and again written to President Rhodes for information, but with one exception he has shown his supreme indifference. He is either ashamed of the record he has made for his school or has a queer idea of common courtesy." Mr. Raper had a right to say why he had no information about Littleton; but he had no right to say it in a spirit so childishly petulant. These small points show a lack of that restrained judgment which is necessary to proper dignity and reliable statement in historical work. However, Mr. Raper's work has much merit and must be pronounced an important book in a field where almost nothing has been done. It is to be hoped that the author's future work may be free from such faults of historical style as these.



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# HISTORICAL PAPERS.

## SERIES A.

### ERRATA.

There are many typographical errors in these articles, due to the negligence of the proof-reader, and for which the publisher of these PAPERS is not responsible. The most serious are as follows:

Page 43, second paragraph, read *teachings* for *backings*.

Page 55, read *Cantwell* for *Cantley*.

Page 75, second paragraph is by the author, not a quotation. It should be preceded by

#### II.—CAVALRY DEPRADATIONS.

Page 128, read *old aristocracy* for only aristocracy.

N. B.—Under the arrangement with the *Trinity Archive* by which these PAPERS are issued, it has not been possible to make all the parts of certain papers run consecutively.



# Historical Papers.

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## SERIES 3.

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JOHN JOSEPH BRUNER, EDITOR OF THE WATCHMAN.

R. L. FLOWERS.

To write anything like an extended and accurate sketch of the lives of the men who were prominent in journalism in this State during the first half of the century, and also during the period of war, and the days of the reconstruction would be to write a history of the progress of the State. It is very probable that no other class of men had a greater influence upon public sentiment. It is the object in this sketch to deal very briefly with the life of one of the veteran editors, one who for more than half a century exerted a wide influence upon the life of the State, and especially of the western portion of it—Mr. J. J. Bruner, editor of the *Carolina Watchman*. If time permitted, it might be interesting to picture somewhat the condition of the State during the first half of the century, politically and socially, and to write solely the editorial life of a journalist would require this. An examination of the files of the *Watchman* during the time of Mr. Bruner's connection with it would reveal great changes in the conditions of the country. When the *Watchman* was started there was not a single daily paper in the State, and no paper published in the State west of Salisbury. The *Watchman* of 1840, contains an advertisement of the "Great Western Stage Line" leaving Salisbury at 5 o'clock, a. m., one day, and arriving at Asheville at 8 p. m., the next, a journey of 39 hours, which for "speed could not be surpassed." The advertise-



ment included a picture of the stage coach and horses. A few years later, great improvement was made and now the paper contains a picture of the engine and coaches used on the North Carolina Railroad, and the schedule shows that the public could travel at the incredible speed of ten miles an hour. "Many people were afraid to ride at this rapid transit." These pictures are reproduced in Dowd's *Life of Prominent Living North Carolinians* given there for the reason they are referred to in this paper, to show somewhat the differences in the condition of an editor then and now. There were no telegraphic dispatches and the circumstances which confronted an editor were very different from those of this day of rapid transit, and telegraphic news.

Mr. Bruner died in 1890, being at the time the oldest editor in the State and the editor of the oldest paper. He belonged to the old school of editors, such as Edward J. Hall, ex-Governor Holden, Wm. J. Yates and others.

The issue of the *Watchman*, of March 27, 1890, is a memorial number, and many of the points of this paper are taken from the extended article by Dr. J. Rumble, for many years his pastor, and still pastor of the Presbyterian Church of Salisbury. The writer said: "The *Watchman* to-day comes out without the name of J. J. Bruner, who for fifty-one years has shaped its course as associate editor, editor and proprietor, and it is due the public that the account of his life and labors should be published. It is impossible to estimate the influence such a man in such a position, and for such a length of time has exerted upon the thinking and action of his constituency. Of him one thing may be said, the *Watchman* never gave forth an uncertain sound, but faithfully and fearlessly watched over the interests of the people and administered the claims of justice and virtue, in high places and in low. The town and country have been benefitted, and not injured by his life, for it was his constant aim to do good."

John Joseph Bruner was the son of Henry and Edith





Bruner, and was born on the Yadkin River, in Rowan county, 12th March 1817. When he was a little over two years old his father died and his mother returned with her children to the home of her father, Col. West Harris, of Montgomery county, North Carolina. His educational advantages were very meagre. In 1825, he was brought to Salisbury by Hon. Chas. Fisher, and his first year in his new home was spent in school, his teacher being Henry Allemand. When he had grown up, he attended school for a few months. The remainder of his education was due to his own efforts, and was received largely "at the case and press of a printing office."

When he was nine years old he entered the printing office as an apprentice under Col. Philo White, editor of the *Western Carolinian*.

Colonel White sold the paper to Burton Craig in 1830, and it was edited by Mr. Craig until 1834, when the paper was bought by Maj. John Beard, of Florida. Mr. Bruner continued in the office until 1836.

In 1832 the *Watchman* was started by Hamilton C. Jones, and in 1839, Mr. Bruner became a partner in the paper.

The *Watchman* of October 1888, contains a history of the paper, written by the editor. It is written in a plain, unassuming style and in his own words gives a history of the paper better than any one else could do.

"This number of the *Watchman* finishes the present volume of the paper and presents a fitting occasion to take a glance at the past history.

The first copy of the *Carolina Watchman* was issued on July 28, 1832, by the late Hamilton C. Jones, Esq., as its editor and proprietor. The design of its establishment was to combat the nullification movement of that time started in South Carolina under the inspiration of John C. Calhoun and other distinguished Statesmen of the Commonwealth. The late Hon. Burton Craig, was the editor of the *Western Carolinian*, published in this place, and was a



zealous advocate of the views Mr. Calhoun; and his vigorous editorials were producing a rousing influence in Western North Carolina, which alarmed Unionists and induced active opposition on their part to the spread of the violent remedy proposed by the South Carolina movement and the establishment of the *Watchman* was the result. Mr. Jones continued to publish the paper for several years after the settlement of the exciting question which gave it birth, ending his connection with it on the 28th July, 1839, by a sale and transfer of the printing office, subscription list and good-will to Mace C. Pendleton and J. J. Bruner. Under the firm name of Pendleton & Bruner, the paper was continued for three years, at the end of which time the Junior partner withdrew for the purpose of collecting a considerable amount due the firm, and paying off accumulated debts. This was accomplished in the course of eighteen months, during which time the paper was continued under the management of the late Mr. Pendleton as editor and proprietor. But finding the business more difficult than he could well bear he sold out to J. J. Bruner, and the late Samuel W. James in January 1844. Under the firm name of Bruner & James, the *Watchman* had a successful run of six years, to July 28, 1850. Mr. James then sold his interest to the present proprietor and drew out, since which time there has been no change in the ownership of the office.

Stoneman's raiders had possession of the office while here on the 12th and 13th April, 1865, and after printing an army news sheet, turned the office upside down, wrecked the principal press and destroyed all they well could. Upon the arrival of the Federal army after the surrender, the commander took possession of it, detailed printers from the army to gather up type enough to print a daily army news sheet, and held possession until about the 4th of July. When at last they turned over the shattered establishment to the owner, he commenced the work





of repairing it, which occupied him until January 8, 1866, at which time the publication of the *Watchman* was resumed. But it had only a brief run of eight weeks when the fire broke out in C. F. Baker's tin shop, (February 26) and extending to other buildings near by finally reached the *Watchman* office and destroyed about half of the stock and reduced the paper to a half-sheet. In this form it was published for twenty-three weeks, until a new press and material could be obtained to issue a full sheet.

On the 10th of January, 1868, the *Watchman* (as an experiment thought advisable at the time) was consolidated with the *Old North State* as was run under the name of *Watchman and Old North State*. [The *Old North State* was a weekly paper started here in 1866 by the Hon. Lewis Hanes.] This arrangement continued only one year when by an arrangement with Mr. Hanes in respect to the business of the office, the *Watchman* retired, leaving the entire field to Mr. Hanes, who in January 1869, changed the name and re-established the *Old North State*. Mr. Hanes continued to publish his paper in the *Watchman* office until the 15th of September 1871, (one year and nine months) and then sold out his interest, J. J. Bruner becoming the purchaser, who immediately re-established his old paper the *Watchman*, and has continued it without a break to the present day.

Before the war the *Watchman* was a Whig paper, and remained so until Lincoln's proclamation came out, calling on the state for troops to coerce the seceding states. It was then devoted to the Confederate cause and zealously supported it during the war. After the war it most naturally took sides with the Conservative party, which embraced both old Whigs and old Democrats, and which after a while, dropped the name "Conservative" and adopted "Democratic" as being more expressive of the political character of those ranging under it.

Nearly all the white people of the South—without re-



gard to the old party names before the war, united in forming the Democratic party after the war, and this paper had no other home to go to.

The paper has been self-sustaining. It has had no other reliance than the patronage of the public, and it has been constantly devoted to what its editor believed to be the best interests of the people. It has doubtless erred at times in judgment. Certainly it has offended individuals and parties, and had to sustain loss by it. But these were never of disturbing importance, but passed as a trifling ripple on the current of its onward way. It has had not less than fifty competitors since its commencement, and some of these very ably conducted—a few deliberately designed to supplant it. Its proprietor is profoundly sensible of the favor by which it has been sustained under every trial, and feels an increasing weight of obligation to make the paper acceptable to those who have stood by it through all the changes and vicissitudes of the past.

Capt. S. A. Ashe, a man for many years prominent in journalism, in a letter to the writer, says:

When I came to Raleigh to live Mr. Bruner was living at Salisbury, and I met him only once or twice. My recollections of him are not so vivid as if our personal intercourse had been more intimate: but I recall—that he had my perfect respect, because of his integrity of character and high purposes in life. In addition, I remember that I entertained very kind, personal sentiments towards him—and this because he himself was kindly in his disposition, (and also because, I think, he had ever been of the same political faith as my father—an old line Democrat).

As I now recall his editorials, they were noteworthy for their simplicity, clearness and precision of statement.

As an editor, Mr. Bruner wielded a great influence throughout the North-western section of the state. His paper was almost the sole vehicle of political information throughout that region for years; and the esteem in which he was personally held invested his paper with an influence that otherwise would have been lacking. For many years he was a potent factor in state affairs, though he did not aspire to leadership and control. Indeed, my observation has been that when an editor seeks to realize ambitions, he loses the influence that the public accords him while his efforts are regarded as being merely patriotic, not mingled with personal considerations. Mr. Bruner pursued the even tenor of his way, not seeking political distinction, and so wore well: to the last highly esteemed and justly venerated.





Hon. Theo. Kluttz, of Salisbury, for many years a personal friend of Mr. Bruner, writes:

I knew Mr. Bruner well, and was a constant reader of the "*Watchman*" for many years. He was a man of sterling worth, and was possessed of the highest moral courage. As an editor, he belonged to the old fashioned school of which the elder Hale, and Mr. Yates, of the *Charlotte Democrat*, were bright exemplars. Under his control, the *Watchman* was always carefully, conscientiously, and cleanly edited. While neither a profound nor a voluminous editorial writer, he had positive views and convictions on all important subjects, and these he never failed to present fearlessly, tersely, and interestingly. There was never any doubt where he stood, nor was there ever any doubt about the absolute honesty of his convictions. For many and many a year, his editorial utterances shaped and voiced the political feeling and action of his subscribers. Modest, unassuming, usually busily engaged upon the mechanical make-up of his paper, in which he took great pride, he yet had the courage of his convictions, and every disposition to stand by them, as occasional dissentients found to their sorrow.

He served his day and generation well.

I should like to give extracts from many papers after his death, showing the high esteem in which he was held by his associates in journalism, but this paper is already too long. I shall close by giving an extract from the paper read by Mr. Jerome Dowd, Historian of the Press of North Carolina, at the annual meeting in Durham in 1890.

The moral tone of the *Watchman* was always good. A self educated man, Mr. Bruner was wanting in the versatility and rhetorical powers that go to make up the brilliant editor, but his teachings were sound, and he always expressed himself with clearness and force. He was a man of courage and stability. In his private walks he was an exemplary man, a devout christian, and an upright, modest citizen. His life was one long day of trial and struggling. What little schooling he had was paid for out of his own earnings. Although journalism in North Carolina has never been very remunerative, Mr. Bruner made a success of his paper, and at one time had accumulated a considerable amount of property, but the war swept most of it away. Considering his environments, we cannot but pronounce his work in life well done. Few men in the history of North Carolina have accomplished as much with such poor advantages. Beginning the battle of life at the age of nine years, without money or the protecting arm of a father, he grew up to be as a "banyan of the forest, yielding shade and fruit to wide neighborhoods of men."





In 1842, Mr. Bruner was married to Miss Mary Anne Kincaid. He had a large family of children, five of whom survive him.

He was a member of the Presbyterian church, and was faithful in all his "private and public duties of the christian profession."

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### THE DIARY OF A CONFEDERATE REFUGEE.

J. A. S.

In the latter part of the summer of 1896 Mrs. Hellen Clements, of Williamston, N. C., very kindly presented to the Trinity College Historical Society the diary which her father, Mr. D. W. Bagley, kept during the war. This diary is of great interest and value as a record of the movements of the opposing forces, battles, etc., kept by a close observer intensely interested in the struggle, and especially on account of the insight it gives into the lives of those compelled to flee from their homes and seek a refuge from the enemy outside their own neighborhood.

In April, 1861, a meeting was held in the Court House at Williamston to take into consideration the defenseless condition of the county. It was decided to raise money to equip volunteer companies from the county, and to provide for the families of those who volunteered. Of this "Volunteer Fund" Mr. Bagley was elected treasurer. In his diary he entered the names of all who volunteered, and started out with the intention of making a note of the fate and conduct during the war of every soldier who went from Martin county. but during a spell of typhoid fever, which lasted through the summer of 1862, he lost sight of many of them. On account of his outspoken patriotism and zeal in the cause of the Confederacy he was an object of especial hatred to the "human skunk tories," as he calls them, and when the Yankees entered Williamston for the first time, in July, 1862, he was the first man they enquired for. He



had left the town, however, with his family and three servants, having to get up from a bed of sickness to do so. Every house from which the whites had fled was searched, but none so thoroughly as his. He says: "They searched every nook and corner of my house, stole my brandy, broke open bureaus, scattered everything, broke open my office, broke windows, pulled out iron chest and searched for records, letters, etc., got open old papers, and scattered them and other papers over the floor." Mr. Bagley was persuaded to leave by his friends, for it was thought he would be arrested and carried off in spite of his ill health. He had determined not to leave, but thinking they would shell the town, and knowing he could be of no service, he "left, not caring a straw for what little I had left, so we could get an equivalent in vandal blood." On the last day of the month the town was again entered by the enemy. Before the landing the town had been shelled, though no one was hurt by it, and the shells had driven many women and children on foot two or three miles in the country, through the rain that was then falling, and many were wet through and exhausted when they reached a place of safety. He often breaks out bitterly against the "tories," those "white-livered native scoundrels," who were the worst enemies. "Oh, God," he writes, "grant us a Morgan, Jackson, Ashby, or some such spirit with a united people to free us of such mean, vile, and abandoned creatures, who are a disgrace to our species, whose element seems to be among the negroes whom they outrage, strange as it may appear to polite, patriotic, and enlightened men."

Three days after the second entrance into the town the commissioners met and requested Captains Eure and Adams to withdraw their troops from the town, as their presence did more harm than good, giving, as it did, excuse to the enemy for shelling the place.

At the solicitation of his wife and friends he decided to leave Williamston and go to some place where he would be





more safe from capture and freer from annoyance. Secured a house about half a mile from depot at Rocky Mount, and left for his new home September 3, 1862. And now troubles and privations that they had not known before begin for him and his family. Unfortunately the man to whom the house he was renting belonged was an unprincipled scoundrel, and did everything in his power to make life unpleasant for the refugees whose dependence upon him for supplies placed them almost entirely at his mercy. He not only charged enormous prices for what he grudgingly let them have, but did everything in his power to annoy them. December, 1863, having been swindled out of \$400 or \$500 by his landlord that year, and despairing of getting along with him, he decides to move, which he does December 26, to "Shady Retreat," Nash county, about four miles from Rocky Mount. Three families—his own, Mr. Short's, and Mr. Clements', occupied the same house, twenty-nine people in all. This move he especially regrets, because it deprives him of the pleasure of going to the depot and occasionally meeting old friends and seeing passing soldiers. The difficulty of getting provisions now becomes a serious matter. Mr. Short often travels day after day, over rough roads, through rain and all kinds of weather, without being able to buy anything whatever. They have a certificate of need from a government agent, but it does not avail;—they, the refugees, are turned away empty-handed, while others can buy. Mr. Short succeeds in getting a little here, a little there, but starvation seems at times to stare them in the face.

January 6, 1864, he writes: "Flour passed here to-day for which I offered \$100 per barrel, but was told it was for government use and was to be delivered to — at Rocky Mount, and that it was worth \$150 at Warrenton, from whence he had brought his two loads, all of which I have no doubt is a speculator's lie." The next day, January 7, Mr. Short had better success than he had met with in some



time. "Mr. Short engaged to-day 600 to 800 pounds of green pork at \$2.00 per pound. Such a thing has become a curiosity to us to see, to say nothing of eating." Some times they could not get supplies that they had engaged. January 23, 1864, he writes: "Sent to Mr. Battle's mill for meal to-day, and, notwithstanding the fact that they had engaged to supply us, could not get any. I then sent to Watson's mill, four miles the other way, but could get none, so to-morrow we shall be without bread, as we have been without hog meat." Many went over to the lines of the enemy on account of inability to get food, but this they could not think of doing.

While all this is vividly brought out, we feel that the mention of the difficulty of their getting supplies is only by the way, and that the deepest concern of the writer is about the poor soldiers at the front. Added to the difficulty of getting supplies was the difficulty of keeping them after they were gotten, for numbers of rogues were prowling about, and nothing was safe. He often writes bitterly of the extortioners and speculators fattening on the very life-blood of their country, utterly indifferent to her welfare, and caring for nothing save the almighty dollar—"blindly worshipping the Golden Calf," and the farmers raising cotton and tobacco while soldiers were suffering for food.

Mr. Bagley kept posted as well as he was able upon every movement, especially any movement of the Martin county troops, and commented freely upon the situation from time to time. In October, 1863, hearing of an order to remove to Charleston the 17th regiment, composed of soldiers from Martin, Washington, Edgecombe, and adjoining counties, who, on account of familiarity with the country, were especially suited for duty there, he wrote to Colonel David A. Barnes to use his influence with Governor Vance to have the order countermanded. Colonel Barnes replied in a few days, saying that he had laid the matter





before the Governor, who manifested much solicitude for that section, and promised to do at once what he could, "Which is immense if he does," says Mr. Bagley, "as the Secretary of War will hear with more attention what our chivalrous Governor says than he would what a brigade of citizens could say." Under date September 15, 1863, he gives a summary of the things the South has to contend with.

"We have to contend with:

"The wet-blanket set of timid creatures.

"The croakers, with whom all is wrong.

"The money dealers, who take pleasure in producing panic with the solvency and faith of the Government.

"The fence men, who are waiting to see who is strongest.

"The extortioner, who holds back supplies from the soldiers, their families and people, to extort fabulous prices, and has no good word, act, or deed for any but self.

"The speculator in necessities, who would sink a continent to make money, and nerves himself against the wants of army and people, and expects to be able after the war shall end to buy himself a place among the people and in society.

"The open repudiator of money, cause, President, cabinet and country. (Chief among whom he places William Holden, of Raleigh, editor of the *Standard*, at whose door he lays the death of many a poor, ignorant fellow, who, deceived by the false ideas he disseminated, deserted, only to be captured and made to suffer a shameful death.)

"The open Tories, native and foreign born, who have acted as spies, guides, informers, aiders and abettors, urging on the enemy to outrages we should in many instances have escaped but for them.

"The tobacco and cotton growers who turn a deaf ear to the heart-rending appeals from the loyal press throughout the land on the score of humanity, as well as the cause in which we are engaged.





"The skulkers and deserters, to whose faithlessness many of our defeats have no doubt been due.

"The inability of commanders who should be in the ranks.

"The want of a navy and access to the markets of the world.

"The want of recognition by the maritime powers of the world.

"The fact that the enemy is fighting us with foreigners.

"The disparity in numbers.

"Many of our poor dupes taking the oath to support the Lincoln government, induced by the seductive promises of the enemy, afterwards to find themselves dispoiled and despised by them.

"The contemptible blockade, which has done more to discourage, inflate prices, injure the currency, and demoralize army and people than any other one thing."

During the last two years of the war he often alludes to the alarming depravity and greediness, so remarkably different from the prayerful devotion and sacrifice of the first two years. Wrote bitterly at times of those who advised any concessions to the enemy. At one place he says: "May a kind heaven grant us an eternal separation from them. We have had no real peace with them. We have been subject to insult and injury for many years, until further forbearance was out of the question. . . . I had rather see all sunk into a dead sea than again be reconciled with the Yankee fanatical race." Governor Vance's utterances during the last year of the war were a source of deep regret to him. Says Vance's message to legislature in 1864 falls far short of former utterances, from a patriotic standpoint. "He panders too much to the Stephens, Brown, Holden and Company's principles. . . It seems to me to be preposterous to be harangueing for State's rights when we have no States." April 26, 1864, he writes: "I read to-day from the *Express* with deep



regret a report of Governor Vance's last speech at Fayetteville. It falls very far short of his Wilkes county speech in patriotism and consistency. He joins with Governor Brown and Vice-President Stephens, and more or less with Holden, of North Carolina, as shadowed forth in their abuse of the late acts of Congress, and shows himself to be more egotistical than I had hoped for. I had feared for him and truly hope he may have been misrepresented in his views.

. . . . I cannot express my sorrow at seeing such men as him and Stephens at a time like the present . . . . straining at straws and giving the enemy renewed encouragement. Stephens and Brown I feel done with, but hope on still for Vance. I have long supported him with all my heart,—say from the reading of his first political letter over two years ago.” Though it was partly through his fearless advocacy of some of the things for which Mr. Bagley condemns him that Vance won distinction as the War Governor of the South, it is interesting to note the view taken of the course he pursued by patriotic men who had at first been his loyal supporters. He thinks, too, that the Governor acted very strangely towards Martin county, “she having done more, probably, than any other county in the State in sending men, raising equipments, etc., etc.” Here he gives a list of the companies furnished by his county. “When the 34th Regiment was recalled it had a powerful feeling of depression upon every one. Each looked upon the move as saying to us, ‘You are given up by a decree in council of your rulers. Be content therewith, and send your able-bodied men to the defense of a more valuable section and people.’” Mr. Bagley, however, rejoices greatly at Vance's victory over Holden in 1864, and records with deep regret the names of the few men of his acquaintance who sank so low as to vote for Holden.

He often mentions Jackson in terms of highest praise,





and dates all of our heavy losses and gloomy prospects from the "loss by death of that great man, Gen. Jackson."

During an assault on Charleston a Martin county boy was shot in the thigh and crawled back about two hundred yards to our fortifications and called for his Lieutenant, who heard and called for volunteers to go and bring him in. "Whereupon . . . very readily offered and did go and brought him safely without injury, except the loss of his pants, which were shot off of him!" Curious how a fellow could come from under fire *sans* pantaloons, with hide intact.

Here is a clipping from a newspaper pasted in the diary, showing how the soldiers amused themselves at times in camp:

#### FIRST APPEARANCE OF THE REBEL BAND.

##### MEMBERS OF THE TROUPE.

Captain William Biggs, Manager; Lieutenants G. W. Grimes, William Cherry, W. E. Windley, J. M. Sitterson, M. A. Cotton, A. T. Staton; Sergeants T. A. Cotten, James Keith, L. Haughton, Mr. Edmondson.

#### PROGRAMME.

##### PART FIRST.

Overture . . . . .	Company.
I'll Love Thee as Long as I Live . . . . .	Windley.
Gal of "Old Virginny" . . . . .	Sitterson.
Instrumental . . . . .	Company.

##### PART SECOND.

Mollie Ward, ballad . . . . .	Sitterson.
Lucy Long Polka, { . . . . .	{ M. A. Cotten, Grimes, Sitterson.
Jonnie's Gone for a Soldier . . . . .	Keith.
Powers of Music, { . . . . .	{ Sitterson, G. A. Cotten.
Violin Solo . . . . .	Cherry.
Comic . . . . .	Keith.
Band of Brothers . . . . .	Company.



## PART THIRD.

Overture . . . . .	Company.
Gum-tree Canoe . . . . .	Sitterson.
Aunty Dinah . . . . .	Windley.
New Blue Tail Fly . . . . .	Sitterson.
Instrumental . . . . .	Company.

## PART FOURTH.

Comic Song . . . . .	Keith.
Old Farmer's Bridle, }	{ Sitterson,
Jig Dancers . . . . .	{ Edmondson.
Nigger Wat Spouts . . . . .	Cotten & Brother.
Dental Surgeon, }	{ Sitterson,
Stump Speech . . . . .	{ Grimes.
	Sitterson.

To Conclude with the Grand Drama,

Old Abe Outwitted . . . . . Company.

Performance to commence . . . o'clock, P. M. preezackley.

## ROBERT HENRY'S NARRATIVE.\*

BY ROBERT HENRY.

I will proceed to point out and correct some of the errors in Wheeler's History of North Carolina, so far as respects the transactions of Cornwallis crossing Cowan's Ford, on Catawba River, the 1st of February, 1781. Then I will give my own version of that transaction; then I will give the common report of the transaction shortly after it happened.

Wheeler's History pp. 232-'33: "Here" (meaning at Cowan's Ford) "about six hundred militia under General Davidson

\*Robert Henry, the author of this manuscript, was born in Tryon (now Lincoln) county, February 10, 1765. He went to a medical and law school at Columbia, South Carolina, and after being there three years he settled in Buncombe county, N. C., being one of the pioneer settlers of that county. He wrote this manuscript in the latter part of his life. The original manuscript is in the possession of his son, Wm. L. Henry, of Buncombe county. We are indebted to Hon. D. Schenck, of Greensboro, for the copy from which this was taken. That copy has since been deposited in the Library of the Greensboro Female College.



were posted, and a slight skirmish occurred. A British Colonel (Hall) and three privates were killed, and thirty-six wounded."

If we take this account to be true, we must conclude that their militia were very bad marksmen, for they had time to have fired five rounds each, which would have been three thousand single shots, at distances varying from fifty yards to less than twenty yards, over a naked sheet of water; that their enemy was not obscured by smoke, being in water above the waist-band, and hanging together by their muskets; that not a single gun was fired by them whilst in the water.

This story, if it bears telling, cannot be accredited to be true, that in firing three thousand shots they only killed four, including Colonel Hall, and wounded thirty-six. The story appears further incredible from this—that in common battles on land, there are as many, and often more, men killed than wounded where the whole force from head to foot is exposed to the fire of the opposite party. In the present case the body, from the waist-band to the top of the head, was exposed—for all below was under water and secure from lead. Wounds in the upper part (of the body) are doubly as apt to kill as those in the lower extremities, from the waist-band downward; hence we would expect double as many killed on this occasion as wounded—but the reverse is told, that only four were killed, including Colonel Hall, and thirty-six wounded.

A further mistake may be noticed. The account states that Davidson had six hundred militia, whereas he had only three hundred. The whole of this quotation should pass for nothing.

The next error that I will notice is on page 235 of Wheeler's History, which I quote: "Soon after the action commenced" (meaning at Cowan's Ford) "General William Davidson was killed, greatly lamented by all who knew him as a talented, brave and generous officer." The true statement is this: Davidson was killed by the first gun that was fired on the





British side on that occasion, for they did not fire a gun whilst in the river; and the gun that killed him was fired at the water's edge on the Mecklenburg side: and if Davidson's clothes had been examined, it is probable that they would have shown the mark of powder. The whole of the Americans had left their stands or posts at the water's edge and judiciously fled, lest the British might hem them in by the river; and utter silence prevailed—not a gun firing on either side; silence was first broken by the report of the gun that killed Davidson.

A further quotation from the same page: "The company commanded by General Graham was the first to commence the attack" (at Cowan's Ford) "on the British as they advanced through the river, which was resolutely continued until they reached the bank, loaded their arms, and commenced a heavy fire upon his men, two of whom were killed." The whole of this is a gratuitous statement, for General Graham was not there—nor was there either officer or private killed at that place except General Davidson; nor was there any one wounded there except Robert Beatty, who afterwards died of the wound. General Graham and his company may have been at Davidson's camp, three-quarters of a mile from the Ford, and two of his men might have been killed there, if they were too tardy in making their escape before the British arrived there.

Another quotation from Wheeler's History, p. 264: "At day-break the British army under Cornwallis, on the 1st February, 1781, entered the waters of the Catawba, then swollen by heavy rains, at Cowan's Ford. The morning was dark and rainy. The light infantry under Colonel Hall entered first, followed by the grenadiers, and the battalions. The piquet of General Davidson challenged the enemy; receiving no reply the guard fired. This turned out the whole force of Davidson, who kept up a galling fire from the bank." Observe the morning was dark but not rainy. Davidson's army was stationed three-quarters of a mile from the Ford, and did



not fire a gun at the British whilst in the river, nor after they came across; all the firing by the American side in the river and on the bank was done by the guard.

Now, I will give my own version of the transaction of Cornwallis' crossing Catawba River at Cowan's Ford, 1st February, 1781. Robert Beatty, a lame man, had taken up a school near the Tuckaseedga Ford, and had taught two days, and was teaching the third, when news came to the school-house that Cornwallis was camped at Forney's, about seven miles from the school-house; that Tarleton was ranging through the country catching Whig boys to make musicians of them in the British army. The master instantly dismissed the scholars, directing them to go home and spread the news, and retired himself. I went home, and that night Moses Starret, Alexander Starret, George Gillespie, Robert Gillespie and Charles Rutledge came to my father's. We lay out that night, and shortly before day-light my brother, Joseph Henry, who had left the army to give the news, and had crossed Catawba at John Beattie's in a canoe; and when he left the army, it was expected that Cornwallis would cross the river at Tuckaseedga Ford. Early in the morning this company crossed the river at Beattie's, about two miles below Tuckaseedga Ford, when we hid our canoe, staid some time at Beattie's—then went up to the Tuckaseedga Ford, and the army was at Cowan's Ford, we went up the river to John Nighten's, who treated us well by giving us potatoes to roast, and some whiskey to drink. We became noisy and mischievous. Nighten said we should not have any more whiskey. I proposed to go to the camp at the Ford, if any one would let me have a gun and ammunition. My brother said he would give me his; Charles Rutledge proposed also to accompany me if he had a gun and ammunition; when Moses Starret gave him his gun. When about to start, I gave Nighten a hundred dollar Continental bill for a pint of whiskey. My brother gave another bill of the same size for half a bushel of potatoes. We dispatched the whiskey. Being thus equipped, we went to the Ford, which was about





a mile and a half. When we arrived, the guard that was there, thirty in number, made us welcome; the officer of the guard told us that Cornwallis would certainly attempt to cross that night or early in the morning; that each one of the guard had picked their stands to annoy the British as they crossed, so that when the alarm was given they would not be crowded, or be in each other's way—and said we must choose our stands. He accompanied us—Charles Rutledge chose the uppermost stand, and I chose the lowest, next the getting out place of the Ford; the officer observed that he considered that Davidson had done wrong, for that the army should have been stationed at the Ford—instead of which it was encamped three-fourths of a mile off, and that some person acquainted in the neighborhood of Forney should watch the movements of Cornwallis' army, and immediately when they would attempt to march, to hasten to the river and give the alarm; then that Davidson's army might be in readiness to receive them; the river being in the situation that it was then in, and the army thus prepared to receive them, said that Cornwallis and a million of men could not cross without cannon as long as our ammunition would last. This I thought was a large expression; but since I think he was correct. He mentioned to each man of the guard to go to his stand again and examine it, so that when the alarm was given, that there should be no mistakes then made. I went to mine, and was well pleased with it—for in shooting, if I would miss my first aim, my lead would range along the British army obliquely and still do damage, and that I could stand it until the British would come to a place the water was rippling over a rock, then it would be time to run away. I remember I looked over the guard to see if there was any person with whom I was acquainted, and found none but Joel Jetton, and my lame school-master, Robert Beatty, with my comrade, Charles Rutledge.

Gen. Joseph Graham's name is mentioned by Wheeler. I was acquainted with him; but he was not there. Shortly after dark a man across the river hooted like an owl, and was



answered; a man went to a canoe some distance off, and brought word from him that all was silent in the British camp. The guards all lay down with their guns in their arms, and all were sound asleep at daybreak, except Joel Jetton, who discovered the noise of horses in deep water. The British pilot, Dick Beal, being deceived by our fires, had led them into swimming water. Jetton ran to the Ford. The sentry being sound asleep, Jetton kicked him into the river, endeavored to fire his gun, but it was wet. Having discovered the army, ran to our fires, having a fine voice, cried "The British! the British!" and fired a gun—then each man ran to his stand; when I got to my stand I saw them red, but thought from loss of sleep my eyes might be mistaken, threw water into them; by the time I was ready to fire, the rest of the guard fired. I then heard the British splashing and making a noise as if drowning. I fired, and continued firing until I saw that one on horseback had passed my rock in the river, and saw that it was Dick Beal moving his gun from his shoulder, I expected to shoot me. I ran with all speed up the bank, and when at the top of it, William Polk's horse breasted me, and General Davidson's horse, about twenty or thirty feet before Polk's horse, and near to the water's edge. All being silent on both sides, I heard the report of a gun at the water's edge, being the first gun fired on the British side, and which I thought Dick Beal had fired at me. That moment Polk wheeled his horse and cried, "Fire away, boys; there is help at hand!" Turning my eye round, designing to run away, I saw my lame school-master, Beatty, loading his gun by a tree; I thought I could stand it as long as he could, and commenced loading. Beatty fired, then I fired, the heads and shoulders of the British being just above the bank; they made no return fire; silence still prevailed. I observed Beatty loading again; I ran down another load; when he fired he cried, "It's time to run, Bob." I looked past my tree, and saw their guns lowered, and then straightened myself behind my tree. They fired and knocked off some bark from my tree.





In the meantime Beatty had turned from his tree, and a bullet hit him in the hip and broke the upper end of his thigh bone; he fell, still hallowing for me to run. I then ran at the top of my speed about one hundred yards, when the thought struck me that the British had no horsemen to follow me, and that Davidson's army would be down at the river and a battle would take place. Whereupon I loaded my gun and went opposite to the Ford, and chose a large tree, sat down by it, and fired about fifty yards at the British. They fired several guns toward the place where I was; but their lead did not come nearer to me than about two rods.

I will now account for the great difference between the number of the British killed and those wounded, as stated by Wheeler. The water at the Ford was fully waistband deep, and in many places deeper, with a very heavy pressing current, and when a man was killed or badly wounded the current immediately floated him away, so that none of them that were killed or badly wounded were ever brought to the shore, and none but those slightly wounded reached the bank; Colonel Hall fell at the bank. I account for the three British that were killed, as stated by Wheeler, in this way: Beatty, the lame school-master, an excellent marksman, fired twice, at a distance of not more than twenty yards, at the British after they had ascended the high bank, as before stated, and I fired twice about the same distance. I therefore think Beatty being the best marksman killed two, and I killed one.

Wheeler states that on the American side there were two killed. I observe if there was any one killed that it was not at the river, for the British did not fire a gun whilst in the river, and when they arose the high bank, all were gone but Beatty and myself; that if any were killed it was at Davidson's camp, three-quarters of a mile from the Ford of the river. But I never heard of any one either killed or wounded of the Americans, except Robert Beatty, on that occasion.

I will give an account of the balance of my route after firing the last time, as heretofore stated. I went down the river





to John Beattie's, where we had left our canoe; there I found my company, the two Starretts and two Gillespies, my brother Joseph and my comrade, Charles Rutledge. I returned the gun to my brother after counting the catridges—found seven missing—therefore I had fired seven times, as I supposed. The company remained at Beattie's until the next morning; when we took our canoe to cross the river to the Lincoln side, it was proposed that we would go to James Cunningham's fish trap and see if there were any fish in it. When we arrived at the trap there were fourteen dead men lodged in it, several of whom appeared to have no wound, but had drowned. We pushed them into the water, they floated off, and went each to his own home. This is my version of that transaction.

Now, I will give the common report of it. I will begin with the report of Nicholas Gosnell, one of our neighbors, a Tory, who was in Cornwallis' army when they crossed the Catawba at Cowan's Ford. It was frequently repeated from the extraordinary language he used and from his manner of expression—it is therefore better imprinted on my memory. I will endeavor to give it in his own language: "His Lordship chose Dick Beal for his pilot, he well knowd the Ford, and a durned pretty pilot he was, for he suffered himself to be led astray by the Rebel fires, and then had to go down to the Ford afterwards; but if he did bad one way he did good another, for he killed their damned Rebel General. The Rebels were posted at the water's edge—there want many on 'em; but I'll be durned if they didn't slap the wad to his Majesty's men sewisidally for a while, for I saw 'em hollerin' and a snortin' and a drownin'—the river was full on 'em, a snortin', a hollorin' and a drownin' until his Lordship reached the off bank; then the Rebels made straight shirt tales, and all was silent—then I tell you his Lordship was Bo sure super Gille Christilum, and when he rose the bank he was the best dog in the hunt, and not a Rebel to be seen." This is the Tory version of Cornwallis crossing Catawba at Cowan's Ford.



The following is the report of every person who lived at or near the river between Cowan's Ford and Tuckaseedga Ford: That a great number of British dead were found on Thompson's fish dam and in his trap, and numbers lodged on brush and drifted to the banks; that the river stunk with dead carcasses; that the British could not have lost less than one hundred men on that occasion.

Report of soldiers who were in Davidson's army. When Wm. Polk returned from the river after General Davidson was killed at Cowan's Ford, three-quarters of a mile from the Ford—they stated that when William Polk returned from the Ford, and reported the death of General Davidson, that some of the army had left and the rest were in confusion; that Polk prudently marched them off, not being able to fight Cornwallis on equal terms.

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#### KING'S MOUNTAIN EXPEDITION.

BY DAVID VANCE AND ROBERT HENRY.

I will now give the statement of Colonel D. Vance and General Joseph McDowell of the manner of raising the army to oppose Colonel Fergusson—its march and defeat of Fergusson.

This part is the statement of Colonel Vance; and on a sarcastic and sneering reply by M. Matthews, saying that they, to-wit, the army under Campbell, was a fierce and formidable set of chickens, and could make great havoc among eggs, if each one was provided with a stick. This elicited a more extensive reply and statement of the whole affair and its consequences from Gen. J. McDowell. I will first give the reasons why Vance and McDowell made these statements. The General Assembly of North Carolina made an agreement with that of Tennessee to run and mark the division line between the two States—and in the year 1799 the State of North Carolina appointed General





J. McDowell, Colonel David Vance<sup>1</sup> and Massentine Matthews<sup>2</sup> Commissioners on the part of North Carolina, who associated John Strother and Robert Henry, surveyors, with the necessary members of chain-bearers, markers, and pack-horsemen for that business, who met and went to the White Top Mountain, a spur of the Stone Mountain, where the Virginia line crossed the latter. Strother did not appear at the commencement. The company were asking a great many detached questions relative to Fergusson's defeat—at length requested that McDowell or Vance would give them a connected account of the whole transaction from first to last. It was agreed that Colonel Vance should give that account. The Colonel agreed to do so on consulting with McDowell, our pilot, Gideon Lewis, who had been a news-carrier, and myself [and related it], on the first wet day that should happen so that we could not progress with the line.

Accordingly a wet day happened, when we were at the head of the Round-About on the Stone Mountain. Our bark camp was soon fixed, and Colonel Vance gave the account, ending with the details of the battle of King's Mountain. Whereupon M. Matthews observed that "we (meaning the army) were a fierce and formidable set of blue hen's chickens among eggs, if each one was provided with a stick." This brought a reply from McDowell. That being done I was provided with a note book, separate from my surveyor's book, to take down a memorandum of particular things that happened, and commenced taking a memorandum of Vance's account of that transaction. Whereupon Colonel Vance, who was an elegant clerk, told me as there was only one surveyor, that I had not time to do it, and if I would give him my book, that he would

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<sup>1</sup> Member of the House of Commons from Iredell County, N. C., in 1791—*Wheeler*, page 62, L. C. D.

<sup>2</sup> Member of House of Commons—*Wheeler*, page 217, Iredell County, L. C. D.



write it for me, as he had leisure. He took the book and returned it to me, saying he had paper of his own, at a spring by the side of Bright's Path in the Bald Ground on the Yellow Mountain. Having taken down his own recollections, and also General McDowell's reply to M. Matthews—which is as follows:

“As I have in some measure to depend on my memory, I will begin with Colonel Shelby's retreat after his defeating the British at Enoree. Colonel Charles McDowell had detached Shelby, Sevier, etc., with a party to go round where Ferguson was camped—who defeated the British and Tories at Enoree, when Colonel McDowell received intelligence of Gates' defeat, and sent an express to Colonel Shelby to retreat. General Joseph McDowell was then Mayor, and I was Captain. Colonel Shelby called a council of all his officers to know what was best to do. It was agreed that we must make a wood's trip to get round Ferguson and join Colonel C. McDowell, carrying the prisoners alternately on horseback, and running on foot short distances. After going some distance, found that Colonel C. McDowell had left his camp, and was retreating towards Gilbert Town, we altered our course and overtook him and the main army.

“After joining Colonel C. McDowell, it was proposed by Colonels Shelby and Sevier that they thought an army of volunteers could be raised to defeat Ferguson, stating that Ferguson's main business was to kill the Whig stock: that he would be at the heads of Broad River, and then go to the head of Catawba to execute that purpose, which would give time to raise an army of volunteers over the mountains, and in Wilkes and Surry counties, all the officers, and some of the privates were consulted, and all agreed that it was right to make the trial to raise an army. It was then agreed that the prisoners should be sent to Virginia; that Colonels Shelby and Sevier and their men should immediately go over the mountains home, and pro-





cure volunteers; that Colonel Chas. McDowell should send an express to Colonels Cleveland and Herndon in Wilkes for them to raise volunteers; and that Colonel C. McDowell should provide some way to preserve the Whig stock on the head of Catawba, and provide some way also to give intelligence of Fergusson's movements.

"The prisoners were accordingly dispatched to Virginia. Colonels Shelby and Sevier went immediately over the mountains; and Colonel C. McDowell wrote to Colonels Cleveland and Herndon to raise volunteers to be ready to march upon the shortest notice; he then called the men on the head of Catawba, and first proposed that they that could not go over the mountains, should take protection on the advance of Fergusson, and thereby save the Whig stock; Daniel Smith (afterwards Colonel), Thomas Lytle, Robert Patton, and J. McDowell, of the Pleasant Garden, absolutely refused, and stated that they would drive the Whig stock into the deep coves under the eve of the Black Mountain;—that others might take protection and save the stock that remained behind. John Carson (afterwards Colonel), Wm. Davidson, Ben Davidson, and others were appointed to take protection, to save the remaining Whig stock.

"James, Jack and Archibald Nail were appointed to be news-bearers over the Yellow Mountains to Shelby, and were to be passing continually—that they were to receive the news in Turkey Cove relative to Fergusson's movements. That Joseph Dobson and James McKay were to be bearers of the like news to Colonels Cleveland and Herndon; and that they were to receive their news at the Montgomery Place, afterwards Joseph Dobson's place.

"Colonel Ben Cleveland appointed his brother, Robert Cleveland, and Gideon Lewis, our pilot, to be news-bearers from B. Cleveland to Shelby. Thus the news went the rounds as fast as horses could carry their riders.

"After Colonel C. McDowell had thus arranged his





business, he received the news that Fergusson was at Gilbert Town. He then collected all the men that he could procure from Burke county, and went to Shelby and Sevier, who had engaged Colonel Campbell, of Virginia, also to raise volunteers. The orders given to the volunteers were to equip themselves as quick as possible, and have nothing to provide when they were called on to march, but to saddle their horses and march on the shortest notice. Those who could not go supplied those who could with anything they stood in need of. It was also announced to the volunteers by the officers that a battle with Fergusson was determined upon, and that they might rely on a battle before they returned home.

“The news went the rounds by the news-carriers already mentioned, of everything that happened in Fergusson's camp—until the news came that John Carson had played a supple trick on Fergusson—that having saved almost all the Whig stock that had not been driven into the coves by Daniel Smith and Company—that Ferguson began to suspect Carson for saving Whig stock—there being a large quantity of Tory cattle ranging about the large cane-breaks where David Greenlee lives, and that a party of Fergusson's were fitted out to kill Whig stock, and that they designing to go to that place—and another party was going to the Montgomery place—that is, the place where Joseph Dobson lives on—for the like purpose. Carson went with the party going to the Montgomery place without informing the party going to the Greenlee place that the cattle ranging there were Tory stock, the owners being in Fergusson's camp. The parties each went to their places of destination, and returned into camp; those who went to the Greenlee place reported that they had killed over one hundred head of three, four, five and six-year-old Rebel steers at McGonaugh place. J. Carson observed that he expected that those steers were the stock of Joseph Brown, Dement and Johnstone, who were there in the camp.



Whereupon Brown, Dement and Johnstone went and discovered that the steers thus killed were every one theirs. This turned the Tories rather against Fergusson; whereupon Fergusson stated that the Rebels had outwitted him, and that he could not effect his purpose there—that he would start back to Gilbert Town on a given day.

“The news was on its passage to Shelby and Cleveland as soon as the breath left Fergusson’s mouth—it did not stop day or night—it was soon at the place of destination. Immediately Shelby directed Campbell and his men to meet him at a given time at Watauga; and Sevier to meet him and Campbell at 10 o’clock on a given day at the spring in the Bald Ground, on the Yellow Mountains, at the side of Bright’s Path—all of which were done with great exactness. He issued orders for Cleveland and Hern- don to meet him on a given day on Silver Creek, in Burke county; and ordered D. Smith, J. McDowell, Lytle, Patton, and those who had taken protection, to meet him at Wm. Nail’s by a given night, which was the night next after the meeting on the Yellow Mountain.

“When the officers met at the spring on the Yellow Mountain, it was quickly agreed that they would send Colonel Charles McDowell with an express to General Gates, for him to send an experienced officer to conduct them in a battle with Fergusson; and as soon as Charles McDowell, with his silver-mounted Tom Simpson rifle, had disappeared, steering for the path on the Linville Ridge, the army descended the mountain on Bright’s Path, and went to Wm. Nail’s that night, where they met Daniel Smith, Thomas Lytle, Joseph McDowell and Robert Patton, the persons who had driven the Whig stock into the coves under the eave of Black Mountain, and also those who had taken protection. When it was agreed that D. Smith, T. Lytle and J. McDowell should remain at the head of the river, as they were considered equal to a small army against Indians; and that the Indians were expected to





fall on the frontier as soon as Ferguson left it; and that they should have those who had taken protection to assist them. It was agreed that Joseph McDowell (now General) should take twenty men with him, and follow Ferguson's trail for fear of surprise—who at the head of Silver Creek, near the Pilot Mountain, came on a squad of Tories who were designing to follow Ferguson, and killed some of them and put the rest to flight—and returned to the army in the morning after staying the night at Wm. Nail's.

“The army marched into Silver Creek, and at the place appointed met Colonels Cleveland and Herndon so exactly that it scarcely occasioned a halt—proceeding on the Cane Creek of Broad River, at a place afterwards called Probit's place.

“Major Billy Chronicle, with twenty men, joined the army; no halt called—still proceeding on. At Camp Creek Colonel William Graham, with one hundred and sixty men well mounted, joined—who gave intelligence that Ferguson had left Gilbert Town, and had crossed Broad River at Twitty's Ford, on his way to Crudger at Ninety-Six, and that Colonel Williams was near to Gilbert Town. It was agreed among the officers [while], still on the march, that Colonel Herndon's foot could not overhual Ferguson before he would reach Ninety-Six. They then began to count the number of horsemen that they could raise. Beginning with those under Colonel Graham and those of Major Chronicle—Graham's men 160, Chronicle's 20, were to count 200, instead of 180. Campbell mentioned to Chronicle that the lad whom he had with him should not hear their enumeration. Chronicle replied that he was a son of Old Rugged and Tough, that his cheek was too well hooped to leak—the lad [Robert Henry] then [listening] is now our surveyor. They numbered on and found their true number to be between six and seven hundred; but told the soldiers it was between 1100 and 2000 [1200(?)], counting Williams' men.



“Orders were then given for all who were unable, from any cause that would hinder him in a severe march, should fall back into the foot troops, and give their horses to footmen [who needed them, in order to be properly equipped for the march]; a number of exchanges were made. Further orders were given at Gilbert Town to kill some beeves, which was done; and orders were given for the horsemen to be ready to march at a given time, which was very short. Some of the troops who were tardy got none [of the beef (?)]. The line of march was taken to cross Broad River at Pear’s Ford, below the mouth of Green River, to take a near cut on Ferguson on his way to Ninety-Six. The day and night were occasionally showery. We marched on, crossing Ferguson’s trail in the track (?), and proceeded to the Cowpens, and came to a Tory’s house, pulled him out of bed, treated him roughly, and asked him at what time Ferguson had passed that place. He said he had not passed at all; that he had torch pine—that we might light it and search, and if we could find the track of an army we might hang him, or do what we pleased with him; and if no sign of an army could be found, he would expect more mild treatment. Search was made, and no sign of an army found.

“We then camped, and began to send persons to find Ferguson’s track. Chronicle proposed to send Enoch Gilmer as one; it was objected to because he was not acquainted with the country. Chronicle said that he could find out anything better than those acquainted, for he could act any character that he pleased—that he could cry and laugh in the same breath, and those best acquainted would believe that he was in earnest in both; that he could act the fool so that those best acquainted with him would believe him to be deranged; that he was a shrewd, cunning fellow, and a stranger to fear. Hence he was [sent] among others. He went to a Tory’s house on Ferguson’s trail, and stated to him that he had been waiting on Ferguson’s





way from Twitty's Ford to Ninety-Six, but missed finding him; that he wished to join the army. The Tory replied that after Fergusson had crossed the river at Twitty's Ford, he had received an express from Lord Cornwallis for him to join the main army at Charlotte; that he had called in Tarleton, and would call in his out posts, and give Gates another defeat, and reduce North Carolina to British rule as he had South Carolina and Georgia, and would enter Virginia with a larger army than had ever been in America. Gilmer gave this account to the officers. This was some time in the day. They then commenced marching to the Cherokee Ford on Broad River. Night came on, and our pilots missed their way, the night being dark and occasionally raining, so that when we came near to the river it was near daylight; when we came to the river hills it was agreed that we would send Enoch Gilmer to see whether Fergusson had not been apprised of us and would attack us in the river. Orders were given to keep our guns dry, for it was raining. Gilmer was gone for some time, when his voice was heard in the hollow singing [“Barney Linn”], a favorite black-guard song. This was notice that all was right. Orders were given that the largest horses should be on the upper side. The order was not obeyed. The river was deep, but it was remarked that not one was ducked. After passing the river, it was agreed that Enoch Gilmer should go ahead, and make all the discoveries about Fergusson that he could. He went off in a gallop. The officers kept in front of the privates at a very slow gait—the men cursing and stating if we were to have a battle, to let it be over, etc.

“All were very hungry, and when we would come to a cornfield, it was soon pulled. The soldiers would cut part of the raw corn off the cob and hand the remainder to their horses. After traveling some miles, the officers saw Gilmer's horse at a gate about three-quarters of a mile ahead. They gave whip to their horses, and went at full speed to gate—alighted, and went into the house. Gilmer was sit-





ting at a table eating. Campbell exclaimed, 'We have got you—you d—d rascal.' Gilmer replied, 'A true King's man, by G—d.' Campbell in order to try Gilmer's metamorphosis, had provided himself with a rope, with a running noose on it, threw it over Gilmer's neck. Gilmer commenced crying and begging; Campbell swore that they would hang him on the bow of the gate. When Chronicle stated that it was wrong to hang him there, for his ghost would haunt the women, who were now in tears. Campbell observed that was right, that we will hang him on the first stooping limb of a tree that they should pass on the road—then sending Gilmer along one or two hundred yards, Gilmer crying and begging for his life, the rope was taken from his neck, and he mounted his horse, and was asked what news he had obtained. He stated as follows: 'That when he came to the Tory's house, he professed to be a true King's man, that he was wishing to join Colonel Ferguson, and desired to know where he was, and that he had kissed the two Tory women; that the youngest of the two informed him that she had been in Ferguson's camp that morning; that the camp was about three miles distant from that place; that she had carried him some chickens; that he was camped on a ridge between two branches where some deer hunters had a camp the last Fall. Major Chronicle and Captain Mattocks stated that the camp referred to was their camp, and that they well knew the ground Ferguson was camped on.

"Whereupon it was agreed on that they should plan the battle, as they knew the ground. They rode a short distance by themselves, and reported that it was an excellent place to surround Ferguson's army, as the shooting would all be up hill—that there would be no danger of our men destroying each other; but doubted whether we had men enough to surround them. It was then instantly agreed on by all the officers, that we would attempt to surround our foes. They immediately began to arrange their men,



without stopping and assigning to each officer the part he was to take in surrounding the hill. By the time this was done, we were close to our enemy. The last whose duty was to be performed was Colonel William Graham with his men, who desired leave of absence, alleging that he had received certain intelligence that his wife was dying with colic, about sixteen miles off, near Armstrong's Ford, on the South Fork. Campbell stated to him that should be the greatest inducement for him to stay, that he could carry the news, and if we were successful, it would be to her as good as a dose of medicine. Graham exclaimed, 'Oh my dear, dear wife! Must I never see her again?' Campbell, in an angry tone of voice, turned to Major Chronicle, and said, 'Shall Colonel Graham have leave of absence?' To which Chronicle replied, 'It is woman's business, let him go.' Graham said he must have an escort—Chronicle told him he might have one; Graham chose David Dickey. Dickey said he would rather be shot (in battle) than go. Chronicle said, 'Dave you must go.' Dickey said he 'would rather be shot on the spot; but if I must go, I must.' Then Colonel Graham and Dickey immediately to the woods, and disappeared.<sup>1</sup>

"Campbell then mentioned to Chronicle that as Graham has gone, you must take his place; turning to Colonel Hawbright, Campbell asked 'have you any objections?' He replied, that it was his wish, as Chronicle best knew the ground. Whereupon Chronicle called, 'come on, my South Fork boys,' and took the lead.

"The hill was surrounded in a few minutes, and the bat-

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<sup>1</sup> Colonel William Graham must not be confounded with Major (afterwards, General) Joseph Graham. They were not related to each other. Colonel Graham came from Augusta County, Virginia, and settled on the First Broad River, then Tryon, now Cleveland County. He married Susan, daughter of William Twitty. Previous to this battle, he had been a good soldier, an Indian fighter, and was a popular man. See an honorable sketch of him in "Hunter's Sketches of North Carolina," p. 322.

[This note was supplied by Professor Draper or Schenck and Davidson, (Henry)].





tle commenced. Our enemies had two to our one; of course their fire was double that of ours. We killed 247 of them and they killed 143 of our side, agreeably to the account of E. Gilmer and Joseph Beatty, supposed to be the most accurate of any. So that they having choice of ground we fought them two to one; we killed as many more of them as they killed of us, and took more prisoners than we had men to guard them. But we had not a coward to face the hill that day—they all faded off, until within ten minutes of the battle, the last coward left us. Our equals were scarce, and our superiors hard to find.

“This is the most particular and accurate account, my friend, that I can give you.

“Whereupon at the head of the Roundabout, I made a similar statement to our chain-bearers, pack-horse men, etc., Musendine Matthews made the following reply: ‘Ah! you would have been a formidable and destructive set of blue hen’s chickens among eggs, if each one of you had been provided with a good stick. When any body pretends to tell the story of that transaction; it would be to his credit to play the game of shut mouth.’” This elicited the following reply from General Joseph McDowell:

“‘Before that battle (referring to Ferguson defeat), we had sustained two shameful and disastrous defeats—that of Gates by treachery; and that of Sumpter by carelessness, in quick succession one after the other—upon which, the Tories flocked to the British camps, and increased their numbers to two or three fold; that the county was overrun, and fairly delayed with them, so much that from the pressure of their numbers, the souls of the brave, from necessity were obliged to cower under its weight, and none but the bravest of the brave withstood the shock.’

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<sup>1</sup> All we know about Mussentine Matthews is that he represented Iredell County in the House of Commons for 1789 to 1802 continuously. He was either a Tory or a Cynic, it seems.

[This note was supplied by Professor Draper or by Schenck and Davidson, (Henry)].



## HISTORIC POINTS ON CAPE FEAR RIVER.

BY F. T. W.

There is, perhaps, no part of the State that is annually visited by so large a number of tourists—usually excursionists—as the Cape Fear Section. From the first of July until the middle of September there is an average of one excursion each day. The visitors usually remain from home two days and nights if they are from the western part of the State, reaching Wilmington between 12 and 4 o'clock p. m., and leaving on their return trip the following afternoon between 5 and 6 o'clock. If the train reaches Wilmington early enough, the excursionists go straight to Ocean View and return to spend the night in the city. On the following day the steamer Wilmington makes a trip to sea. If one wishes to get a definite idea of a few experiences of this outing he can do no better than visit the lower and upper decks after it is all over.

Before they have gotten far enough down the river to begin to long for their far away homes many interesting points are pointed out by the reliable captain who seems never to tire of the voyage between South Port and Wilmington, having made fifteen thousand trips.

About a mile below the wharf is a tree at a bend in the river standing out in full view. It is a cedar and is said to have borne the name "Dram Tree" for more than a century. For years it has stood as a land mark, telling the weary sailor that he is fast approaching his journey's end. As to how it derived its name there was an old tradition which says that a number of sailors who had been compelled to land here on account of a storm could not resist the temptation which the cup of sack offered them. They tied their boat to this tree and could not leave until it was dark. They finally got off and began to row with all their power, doubtless thinking of reaching their far away homes. All night they labored and toiled and when morn-





ing came, instead of finding themselves near home, they found that they had neglected the significant part of their work—that of untying their boat.

Eight miles below the Dram Tree is Big Island. The name given to it by the commissioners from the Barbadoes in 1663 was "Crane's Island." These commissioners were sent out to explore the "Cape Fear Country" and to find a good place for settlement. They found on Crane's Island the ruler of this country, the Indian Chief, Stat Coosa. From him they bought a considerable amount of land and were about to leave for their homes when an incident rather embarrassing to one of the commissioners, Captain Hilton, occurred. The Indian Chief came out on their arrival and made a speech which was known to be peaceful from the nature of his gestures. Besides giving the Barbadians supplies and selling them land the enthusiastic chief presented to Captain Hilton two of his daughters. They got on board his ship and refused to leave, merely shaking their heads at his entreaties. He finally got rid of them by promising his early return. The maidens watched in vain for the return of the Barbadians.

Still further down the river can be seen an old pier which seems to have been beaten by the rough weather for years. It is the landing for Old Brunswick, the ruins of which are a half or three quarters of a mile back in the dense forest. Of this old town nothing remains save the ruins of the old church and a few graves. The Colonial Council often met here and Governor Johnson spent a considerable part of his time here. The church was built of brick brought from England. In 1751 the British Parliament appropriated the funds secured by the capture of a pirate's vessel for the erection of this, St. Phillips' church, and also St. James' church of Wilmington. The walls are three feet thick and are standing as they were built a hundred and fifty years ago except where they have divided just over the main entrance. The Federal soldiers removed





the corner-stone and papers in it after the capture of Fort Anderson which was near by. Though the grave stones were torn to pieces by the bombs from the battle at Fort Anderson, the walls of the church remained unshattered.

Near Carolina Beach pier is a large grove which is known as "Gander's Hall." It derived its name from the fact that Mr. McIlhenry, who owned the place in 1830, wanted to raise some geese, and as he liked the white feathers much better bought only white fowls. After waiting a long time for them to lay he learned from one experienced in the poultry business that his birds were all ganders.

Probably the most interesting point on the river is where Fort Fisher stood. It was used in the late war as a fortification for what was known as "New Inlet." From the situation it was one of the most important forts in the Confederate States. Whenever that was lost the entire southeastern part of North Carolina was in the hands of the Federals. There were only 1,900 men and 44 guns in the fort. It was not captured until 1865. When we consider that they had one mile of sea-force and one-half mile of land-force to defend against 10,000 Federals with 600 heavy guns, and that the fort was not given up until the last shot was expended and 1,445 of the enemy had been killed, we see that it could not but have been a brave defense. Nothing except the fortifications remain and they present the appearance of sand hills.

Just below the fort are "The Rocks." The Inlet has been closed and in accomplishing this it is said that enough rocks were used to build a wall eight by four feet from Wilmington to South Port, a distance of twenty-four miles.

At the mouth of the river is Fort Caswell. Work was begun on this fort by the government in 1826. It was evacuated just after Fort Fisher fell. Just after this event the commander of the fort received orders to send his men back into the woods, so as to conceal them from the Fed-



erals. Later he received orders to blow up the magazines. The order came at 1 a. m., and the match was at once applied to trains which had been arranged. It is said that our magazine contained nearly 100,000 pounds of powder and when it exploded "the earth trembled and shook" and the effects were felt at Wilmington and even as far up as Fayetteville, a distance of over a hundred miles. This site has recently been fitted up with large disappearing guns, and in March Battery I, Second Regiment, U. S. Artillery, arrived there to hold the fort.

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WILLIAM W. HOLDEN.

BY W. K. BOYD.

PART 1.—1818-1855.

In the history of North Carolina as in that of every Southern State, the years of "Reconstruction" are the most crucial in the civilization and growth of a century. To the student of that period Governor W. W. Holden is the central figure, for he represents not only the dignity and authority of his native State, but also the restored authority of the United States. The natural complexities arising from his delicate position are augmented by his former relations to North Carolina politics. So, for one to attempt to treat in an unbiased way his life and character within the short time of six years after his exit from the scenes of his brilliant but ill-fated career may seem to many at least an unwise and fruitless task. All the difficulties of such a work have been seriously considered in the preparation of this paper. Of a score of letters addressed to as many men who were the contemporaries of Mr. Holden, less than one-half have been answered; less than one-half of these have furnished any definite data, while the remaining fourth convey little more than that the writers were his personal friends but know nothing of his history. But where the evidence of contemporaries





has failed the deficiency has been ably retrieved by files of the *North Carolina Standard*, and these inanimate witnesses of the social and political conditions of the State during more than twenty years of its history have spoken tomes for the energy and sagacity of their master and genius. What I wish to make plain is that no facts are here stated in the spirit of controversy or through the influence of personal opinion. My only aim has been to state facts as I find them, all of which may not be absolutely correct—for many stories of the "Peace Movement" and "Reconstruction" are yet to be overturned, a task well befitting the genius of any youthful Schlieman who shall unearth the hidden mysteries of those years. But "such as I have give I unto you" in the faith and hope that the age of passion is passing away and a new era of reason—cold reason if you wish so to call it—is at hand, when events will be considered from their proper point-of-view, when he who chronicles the "endless processions of the past" shall as the poet

"In his separate star

Draw the Thing as he sees It, for the God of Things as They Are."

William Woods Holden was born in the year 1818, in the county of Orange, near Hillsboro: and that historic town, the immutable witness of changes in civil and culture as they have come and gone for more than a century, was his home during the days of his early youth. When very young he became printer's devil in the office of Dennis Heartt, the editor of the *Hillsboro Recorder*, who well earned the title "Father of the North Carolina Press," and so as apprentice had the advantage of the precepts and example of him who trained more young men for journalism than any other newspaper man in the State. All accounts of these early years are meagre, as would be expected, but there are a few anecdotes and facts gathered here and there which exhibit some of those qualities so conspicuous in Holden's later life. One cold morning when about



twelve years old in making his round with his paper, the young apprentice reached the house of Mr. John Kirkland on the outskirts of Hillsboro and was asked into the dining room to warm. At the table sat a well dressed, handsome young man, fresh from laurels won at Chapel Hill, an extreme contrast to the ill-clad, bare-footed news-boy. "I looked at him," said Holden, many years later, "and thought how happy I would be if I had his opportunities, and then I thought what a gulf there is between us and how uneven are our chances in life. But I determined then and there that I would keep pace with him in life's struggle." When he went to leave the lady of the house said to him, "Wait, and get a biscuit"—then the young man, at her command, buttered a biscuit and gave it to Holden, and as the destitute boy resumed his morning work his determination became a vow. In 1868 Holden was elected Governor over Thomas Ashe, the young man who buttered his biscuit that crisp morning thirty years before. At another time the apprentice ran away from his master. Mr. Heartt, according to custom, advertised in his paper threatening with the penalty of the law those who should harbor the runaway, and offered five cents reward for his apprehension. By chance Holden saw the notice, secretly returned by night and changed the form of the *Recorder* so that when the next issue appeared the public was notified that the *Recorder* and its editor were for sale, and both might be had for the sum of fifty cents. At the same time that the boy altered the type, he scratched upon the desk the words, "from this day I will be a man." The apprentice returned and a reconciliation took place between master and servant. These legends of the boy are characteristic of the man, showing traits that were his during the whole of his long and eventful career—a restless dissatisfaction with his environment, an ambition to make himself the peer of his fellows, and in the advertisement





story are seen the germs of a power of repartee which served him well as political editor.

Mr. Holden's hardships made him the friend of all young men who came under his influence but he rarely spoke in detail of his early life. Once only, in 1868, at a banquet given to all the employees who had ever served in the *Standard* office, do we find him telling of his apprenticeship. At the age of sixteen, he says, he left Hillsboro and went to Milton, walking the thirty miles with only his small bundle of personal belongings for company. In Milton he got employment with Nathaniel J. Palmer, editor of the *Chronicle*, and after working four months went to Danville. Here he wrote his first article for the press, which he slipped under the door of the editorial rooms. Two days later his contribution was published and he walked the streets "the proudest boy in the town of Danville." In a year he returned to Hillsboro, "restless but not dissipated, and full of enterprise and ambition." He then worked in a store, spending all his extra time in study, laying the foundations of that broad culture which ranks him among the best literary men the State has produced.

Soon dissatisfied with his work in Hillsboro, he went to Raleigh, arriving in the city "one bright moon-light night from the town of Hillsboro on an old-fashioned stage with four horses and a horn blowing as we neared the town, with seven dollars of silver in my pocket, knowing no person in Raleigh, in debt in Hillsborough one hundred and fifty dollars, mainly for a gold watch that I bought on credit, and also for a broadcloth coat for which I had promised to pay three dollars per yard." There were then three newspapers in Raleigh: the *Register*, the organ of the Whig Party, and edited by Weston R. Gales; the *Standard*, the organ of the Democratic Party, under the control of Philo White, "editor and State Printer," and Thomas Loring, "publisher and proprietor;" and the *Star*,





a Whig paper, published by Thomas J. Lemay. In the office of the latter Holden found employment, being recommended to the editor by several articles written while still in Hillsborough. He remained in the *Star* office over four years, receiving eight dollars a week, high wages for a printer in those days, working in summer from sun to sun, in winter often till midnight. All his available time was spent in reading law and in 1841 he appeared before the Supreme Court and was admitted to the bar with twenty other young men. The examination was held by Judges Ruffin, Daniel and Gaston. During the examination Judge Gaston asked Holden a question. Holden answered and Gaston said, "Young man, that is correct." Judge Daniel objected, saying, "Brother Gaston, I am not so sure of that." Then followed a learned discussion to the edification of the class, in the end neither being converted to his opponents view. Doubtless the point in question remains unsettled to-day as it concerned an estate in entail under certain conditions.

In politics he was a Whig, true to the backings of "Father" Heartt and Mr. Lemay. In the campaign of 1840, the year that marks the maturity of the Whig ascendancy, Holden made his first political speeches, declaring from the log cabins the many virtues of "Tippacanoë and Tyler too." Though Henry Clay failed to secure the presidential nomination of his party and, on the death of Harrison, was made distinctively to understand by Tyler that the sceptre was no longer in his hands, the North Carolina Whigs remained his ardent and devoted supporters. In 1842 he came to Raleigh and the admiration and loyalty of the Ultra-Whig element made his visit a series of gala-days. The women spun kerchiefs, fine linen, hosiery, and all luxuries of dress known to the female mind which they laid as tribute at the feet of their idealized hero to manifest their faith in his Tariff measures and the superiority of American to foreign manufactures. The men held barbecues and



made speeches, and Holden was among the most enthusiastic. "When I speak of Henry Clay I feel like pouring out my whole heart," he said, and he wrote some ardent paragraphs for the *Register* and *Star* in testimony of his loyalty.

So the Whigs were in the ascendancy and despite the efforts of the Democrats the Whigs again won the State in 1842 by over two thousand majority. Philo White had left the State in 1837 and Loring had poorly supported Van Buren in 1840. What must be done? With a party organ conducted by a weakhearted editor little could be done against such opponents as Lemay and Gales. A change of editors was determined on and a secret meeting of the leading Democrats was held to choose Loring's successor. One of the most prominent young men in the party was James B. Shepherd. He had read the contributions of the little dark-haired apprentice "Bill" Holden, and recognized their literary value. So he proposed the name of Holden as the most promising man to take charge of the Democratic organ. The suggestion was received with derision, but Shepherd persisted and finally gained his point. The proposition was made to Holden, he accepted, and in June 1843 formally entered upon his duties as editor of the *Standard*. What must have been the surprise and chagrin of the Whigs when they read in the organ of their opponents the announcement that W. W. Holden, in the past one of their most promising adherents, schooled from his boyhood in the principles of Whiggery, their associate in the Clay celebrations of the presidency year, had assumed editorial control of the *Standard* and would conduct the paper on its old political principles, that he declared he had ever been at heart a "Democratic Republican of the school of '98 and '99," that he was now a Democrat because the members of that party "have always approved themselves the friends and supporters of equal rights; because they have ever been, and are now,





the advocates of the *many* against the *few*; because whilst they yield to the Federal Government the exercise of its acknowledged and undoubted constitutional powers, they at the same time guard with peculiar vigilance the freedom, sovereignty, and independence of the respective States." He declared himself opposed to all taxation beyond the needs of the government, to a national debt, distribution of public lands, and "in fine, to all the projects, measures, and principles of the modern Whig Party." In conclusion he refuses to support Van Buren for re-nomination as Presidential candidate, believing that there are others in the party "entitled to equal consideration and regard." This declaration of Democratic principles does not interest us because it is the platform of one party for one campaign. But the issues stated lie far deeper than the passions of the hour. They express in the most emphatic manner the constitutional basis of one-half the American people at that time. In them breaths the spirit of nullification of 1832 which culminated in Secession in 1861.

A satisfactory explanation of Holden's change of political affiliations has never been made by friend or enemy. The charge that his separation from the party of his benefactors, Heartt and Lemay, was a deliberate breach of faith actuated by desire for personal aggrandizement can hardly be justified by facts. For at this time the Whigs held the State by a large majority and Holden stood well in the estimation of the leading Whig citizens of Raleigh.\* In 1841 he had married Miss Anne Young, a niece of the founder of Peace Institute, and this alliance further established his relation in political and social life. Moreover the pecuniary condition of the *Standard* was not at all

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\**Standard*, November, 1841: "The North Carolina Temperance Convention met on November 1. Jno. H. Mebane, of Greensboro, was elected President, Rev. Hezekiah G. Leigh, Vice-President, and Lemay, Jesse Brown and Holden, Clerks."

*Standard*, April 13, 1842: "W. W. Holden, Esq., has been appointed assignee in bankruptcy for the county of Wake."



inviting, especially to one whose finances were not in the most prosperous state. Loring was State Printer and received only nine hundred dollars per year for his services; the result was that the Printer lost on an average one thousand dollars on each year's work which was patiently endured as a matter of professional pride. Also the paper had less than eight hundred subscribers, only one-half of whom were cash paying and the advertisers were almost the masters of the editor. Then he was compelled to hazard the risk of borrowing funds with which to buy the *Standard's* outfit. He first secured five hundred dollars from Shepherd and then approached Duncan Cameron, President of the old State Bank, and asked for a loan of two thousand dollars. Now Loring had turned the *Standard* against the Banks, advocating a mixed currency and Mr. Cameron knew that the *Standard* would continue to advocate a "hard-money" currency. But upon Holden's application the money was handed over without hesitancy, the President of the Bank encouraging the creditor in his venture. "You will find," he said, "that the surest, if not the quickest and most permanent and certain road to power in this country, is that of the press. It may not be so now, but in my judgment in future years it will be so. . . . My advice is, as you have chosen the press, to abandon all idea of the law." The result was that "the Bank being on one side and the paper on the other, through the liberality of Mr. Cameron" Holden received the necessary funds which made success possible to him.\*

It is also more than probable that Holden was influenced by a real change of political opinions. The divisions in his party, due to the rivalry of Tyler and Clay, doubtless caused him to examine more seriously than before his reasons for supporting Whiggery, and very likely at the critical moment, Loring, who had been a close friend,

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\**Standard*, August 23, 1868.





stepped in and the victory was won for the Democrats. Perhaps he was coming under the influence of his later chieftain, that greatest of political magicians, Calhoun. At least his conversion was not so sudden as might be expected from the events related, for he tells us that "at the time of the purchase, in June 1843, and months preceding it, it is well known to his immediate personal friends, though he took no active part in political affairs, that he was out and out with the Democratic Party."\*

But it is not necessary to continue at length a discussion of the hidden motive. Some events in history, like certain experiences of the individual, must often be considered as valuable in themselves aside from their causes. Suffice it for us that the results of Holden's alliance with his former opponents, viewed from the standpoint of subsequent issues, far exceed in importance any consideration of the personal incentive.

The campaigns of the next year demand the attention of the student of national politics, for they mark the culmination of Clay's brilliant but ineffective political activities. They interest him who reads the history of North Carolina because a new leader appears who meets the challenge of the Whigs with a courage dauntless as that of Gales or Graham. New life is infused into the ranks of the Democrats and the Whigs are none too confident of the future. The center of the State campaign is a secret letter from the Whig State committee to their constituents urging them to vigorous action. The Democrats are charged as "degenerating into a mere faction," trying to carry "this State for Texas and Disunion." "If by any means an apparent majority is returned for Polk and Dallas, *nothing but*

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\**Standard*, June 28, 1854.

*Standard*, January 19, 1842: A notice of the removal of Holden's law office "to No. 5 in the building of B. B. Smith, Esq., on Fayetteville street." From this it is evident that he had severed connection with Lemay more than one year before he became editor of the *Standard*.





*revolution can help us."* In order that Clay and Graham, the Whig candidate for Governor, be elected and the State preserved, all loyal Whigs are called upon to attend the poles, see their fellow-men the day before the election and impress upon them the importance of the issues at stake, challenge doubtful votes and prevent Democratic frauds, and in general warn the people against the political falsehoods of the opposition. This circular was signed by Richard Hines, chairman; George E. Badger, Charles Manly, John H. Bryan, Henry W. Miller and Weston R. Gales.

This letter, exposed by Holden, into whose hands a copy fell by accident, became a battle-cry of the enraged Democrats and was copied by their press far and near. The following from the *Tarborough Press* illustrates the zeal with which the above imputations were repudiated:

#### "FREEMEN OF EDGECOMBE!

"READ!! READ!!

"We earnestly call the attention of every voter in the county to the following infamous circular, issued by the Federal Coon Central Committee in Raleigh. Read it. Hand it about among your neighbors—rouse up the people from their lethargy—rebuke the imputations of these foul Federal slanderers and strike one more blow for God, Liberty, and the Constitution. . . . Get on your horses and scour the country from one end to the other. . . . Let the indignant thunder of the Edgecombe Democracy be heard reverberating in the mountains of Buncombe. God save the country from such an infamous party."

Holden's sense of humor and dexterity in epigrammatic ridicule found expression in many columns of political satire. A very good example is the following:

"Gapes in chickens may be easily cured by giving them small crumbs of bread impregnated with a little soft soap; once or twice is sufficient."—*Raleigh Star*.

"And gapes in coons may be easily cured by giving them small doses of Polk-juice in little soft pieces of Clay. This physic will cure them by killing them outright; 'once' will do."

But the climax was reached when his burlesque on the



leading Whigs appeared, the most piquant attack of the campaign :

FOR SALT RIVER.

"The substantial packet schooner Scavenger will sail by order of the people of the United States for the head waters of Salt River during the month of November. She carries out as a passenger the Honorable Henry Clay who, after having sought office at the hands of the said people for more than twenty years, has at length received the appointment of Collector of Customs at the head waters of said river, at which point it is expected he will prove in his *official* capacity, that high tariffs make cheap goods. He will carry out a strong corps of surveyors, tide-waiters, bumbailiffs, etc. ; and as the country is new and unsettled, it is thought that these officers will find constant employment. The following appointments have already been made: *Surveyors*, Millard Filmore, of New York, and General Markle, of Pennsylvania; Berreen, of Georgia, and Morehead, of North Carolina. *Tide-Waiters*, Stanly, Cherry, and Palmer, of North Carolina, and Pleasants, of Virginia. *Bumbout Women*, Messrs. Mangum and Badger, of North Carolina. These last appointments are considered peculiarly appropriate. Mr. Mangum, it is thought, will sing three times a day, a song of thankfulness for having been delivered from Mr. Edmunds, of Virginia, while Mr. B. will serve as a beacon by standing at the mouth of Old Salt every night with a mammoth cigar in his mouth. The collector, it is presumed, will permit him to while away the long hours by untiring threats of 'revolution' to intimidate the bats and owls."\*

Notwithstanding the vigorous opposition of Holden and the other Democrats, the Whigs carried the State. Graham defeating Hoke by over three thousand majority. But Clay was defeated and an appropriate celebration with martial ceremonies demonstrated the elation of the Democrats over their national victory. They met in capital square, built bonfires and fired a military salute of thirteen guns, then proceeded down Fayetteville street to the residence of Senator Haywood, where cannon were fired and three cheers given for Polk and Dallas, Wright, Texas and Oregon. Senator Haywood then appeared and told the people that instead of speaking himself he would introduce Master Stuart White, a lad nine years old. The boy then addressed the company "in a style which would have honored a much older head." The procession then went

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\*Standard, October 30, 1844.





to the home of Louis D. Henry, chairman of the State Democratic Committee, "and also to the dwellings of General Saunders and James B. Shepherd, Esq., with music and loud shouts for Polk, Dallas, Texas, and Oregon." When they dispersed is not told.\*

Such is the story of a campaign in the South fifty years ago. It was an age when all that was noblest and worth the striving after in this world centered in public life. Politics alone gave homogeneity to all classes of society. Every one, the rich planter at the watering places, the gentry at the monthly courts and the militia meets, even the slave in the cotton and rice fields, dreamed of an ideal existence where each, through the gift of oratory as well as of intellect, should be victor in a thousand and one political contests and might frame legislative enactments "world without end." Compared with the civilization of to-day, society was primitive and would hardly be recognized as the antecedent of modern culture. The North Carolina Railroad had not yet been constructed and all traffic with the west was by means of the stage and ox cart. Raleigh and Hillsboro were as far from each other in point of convenience as either is to-day from New York. There was little interest in internal improvements and in 1848 the appropriation for the railway from Danville to Charlotte was defeated because such a road would turn traffic from North Carolina seaports. There were no factories and the prejudices of the ultra Southerners often taxed the manufacturing skill of the good housewives. Yet many things appeal to the sympathies of us who live amid the "weariness, the fever, and the fret" of these modern days with a charm unknown to our generation. The freedom of expression in the press is a contrast to the complicated insinuations of modern journalism. Rev. Thomas Loring could publish a dissertation on "Whig Lies" under fourteen heads and still command the respect and esteem of all who knew him.

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\**Standard*, November 14, 1844.



The satires of Holden, the endless bickerings with Gales and Heartt, and the essays and poems in the "old school" style give to these papers a flavor that reminds us of Swift or Addison. Then above all looms the figure of Henry Clay, politician, statesman, and cavalier, as he appears in the campaign of '44, escorted in a landau through the streets of Raleigh by the enthusiastic Whigs, swaying his audience in Capital Square with a magic of words unsurpassed in American oratory, and aged as he was, standing for hours at the grand reception held at the Governor's Mansion and greeting the hundreds of women and children "with a kiss and kind word for all." These reveal to us the chivalry of the past and tell us that the virtues of our fathers live in their children, and lend to the period the charm of an eighteenth century romance.

The attack on Whig leaders and principles continued unabated throughout the next year. Early in 1846 the Democratic Convention assembled and chose Green W. Caldwell as candidate for Governor. Mr. Caldwell refused the nomination and James B. Shepherd was appointed by the Executive Committee to fill his place. His opponent was Governor Graham, who was re-elected by a majority of seven thousand.\*

It was evident that a crisis was at hand. The Whig majority in '46 exceeded that of '42 by four thousand, and if the Democrats were to secure the State, now was the time for action. There must be some diversion to check the increasing Whig sentiment. At this critical time appears a new issue that lies at the basis of all representative government, and in its champion a new leader enters into North Carolina politics. The principle is that of free suffrage and its exponent is David Settle Reid, of Rockingham county. Better to comprehend the social and elective status a brief review of the civil government of our State is necessary.

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\*This year Holden was member of Commons for Wake County.





North Carolina has always been remarkable for its conservative spirit and the secret of this conservatism is found in the old colonial government. The chief magistrate was the Royal Governor, who appointed the Justices of the Peace in the several counties. These officers submitted three names to the Governor, one of whom he appointed Sheriff. The Sheriff collected taxes, executed court decrees, and held the elections for members of the Assembly. The result was that the Justices of the Peace and the Sheriffs soon formed a special caste, and through the influence of their official positions made their nominations for Assemblymen and usually carried the elections. In this way there arose an aristocracy that virtually controlled the colony. Such a government was for the best so long as the character of its citizens was as varied as the settlements. When the last colonial Governor left in 1776 there were two methods by which the government might be continued, popular election or a continuation of the old system. The latter seemed best because the country was so full of Tories that the people could not be trusted to remain faithful to the other colonies, and also the members of the Assembly were unwilling to see the power depart from them. So under the new Constitution the Governor and the Judges were elected by the Assembly, and to insure conservative representation the Senate was placed under the control of the landholders, and only landholders were eligible to represent the people either in Senate or Commons. The law required that a State Senator must own 300 acres and to vote in a senatorial election a man must own 50 acres in the county where he voted. A representative in Commons must own 100 acres and all persons who had paid taxes were allowed to vote. So well did these arrangements work that no change was made until 1835, when a constitutional convention disfranchised the free negro and made the election of Governor popular. State Senators were still elected by the property holders. Oppo-





sition to this law was made the basis of the campaign of 1848.\*

It is not known who originated the idea of making free-suffrage the issue. The law had never been popular with the non-landholders. In 1842 a meeting was held in Lenoir county protesting against the property qualification, and a letter was addressed to Louis D. Henry, who was the county's representative in the Legislature. About the same time Green W. Caldwell brought the matter before the Assembly, but it was unfavorably received. Mr. Reid, who was then a member of Congress, had either written or spoken in opposition to the condition of suffrage.† So the issue was not to take the State by surprise. Perhaps it was Stephen A. Douglas who suggested to Holden the new plan for the opposition. All we know is that Holden, before the Democratic convention met, sent a special messenger to bring Reid to Raleigh for consultation. The result was that through Holden's influence Reid received the nomination for Governor. He refused to accept unless a free-suffrage clause was inserted in the platform. The Democrats feared this would cause a division of the party, but finally consented. Perhaps they were urged to accept the amendment by Douglas himself, who was present, and addressed the convention on the national issues "for nearly two hours with a style and force of logic never equalled in that hall, and with such eloquence as drew tears from the eyes of many in the vast multitude about him." Sam Houston, then Senator from Texas, spoke another evening, being introduced as "the laurelled hero of San Jacinto," and of course defended the Mexican war. Among the resolutions adopted was one declaring that "Congress has no control, directly or indirectly, mediately or immediately, over the institution of slavery, and that we are opposed to

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\*"Suffrage in the State of North Carolina," by Prof. J. S. Bassett, Am. His. Ass'n Report, 1895.

†Letter from John Nichols, Esq., Raleigh, N. C.



the Wilmot, Winthrop, or Webster proviso in whatever shape it may be presented." In the same year Holden was the delegate to the national convention which met in Baltimore. The Wilmot Proviso was the principle question before that body. The "Barnburners" favored the Proviso and thus "opposed the constitutional rights of the South." The "Old Hunkers" fought the measure. Holden favored the non-interference with slavery in the territories.

The campaign was fought in a most energetic manner, with Holden at the press and Reid on the stump. The result was that Charles Manly, the Whig candidate, was elected by the small majority of 854. The Democrats were greatly encouraged. From this time Holden was recognized as a great political leader. In 1850 Reid and Manly were renominated. So strong was the sentiment in favor of free-suffrage that Manly refused to make it the Whig issue. Reid was elected by two thousand majority and the Whigs never again controlled the State. In 1852 Reid was re-elected. He is the only one who has ever been candidate for Governor three times in succession. Vance was thrice a candidate, but not in succession. Free suffrage, after a long fight in the Legislature, triumphed in 1854.

From this time till 1860 the State was under the control of the Democrats. Interest centers not in State politics, but in the National issues. Holden was an ultra-Southerner, a follower of Calhoun, and every editorial on slavery indicates directly or indirectly the condition of public sentiment. In 1849 Holden was among those who advocated a Southern Assembly to express formally the South's position on slavery, believing that to be the "only course to preserve the Union and save the State from accumulated aggression and insult."

"We speak as a citizen, not as a partisan. We love the Union, but we love North Carolina, her vital interests and her untarnished honor more. We would surrender all but these to preserve the Union; surrendering





these, we should announce our willingness to see the State a victim of consolidation and absolute sectional power, and should prove false to our native land."

In commenting upon Calhoun's last speech in the United States Senate, he says too much stress is laid on the balance of classes, the "equilibrium" between the States, and regards the allusion to a constitutional amendment recognizing slavery as unfortunate, for the people have always contended for the constitution as it is, fairly, equitably, and honestly administered. In 1851 he thus expresses his conception of secession:

"We hold the right of secession as an original, pre-existing, reserved sovereign right; that whenever the Constitution is palpably violated by Congress or whenever that body fails to carry out the plain provisions of that instrument when required to protect Southern rights, the Union is dissolved, and that by a sectional majority"—not until then has the State the right to look to "a separate, independent existence." He calls on Legislature to pass resolutions demanding rights of the State and settlement of slavery.—(*January 15.*)

In 1854 appeared this editorial on the growth of abolitionism:

"We verily believe that the worst spirit now out of perdition is the spirit of abolition. It is a compound of ignorance, bigotry, envy, hatred and all uncharitableness. It professes to know even better than the slave does what is best for his own good, for in his case as in others the slave was torn from the owner and forced into freedom."—(*September 6.*)

In the meantime the ranks of the Democrats were dividing into two wings. The movement culminated in the convention of 1858. Col. Edward Cantley, a friend of Holden, arose and moved that as the Democracy of the State was present, the convention resolve itself into a mass meeting and nominate candidate for Governor. Holden and Judge John W. Ellis, of Rowan county, were rivals for the nomination. Holden was undoubtedly the choice of the rank and file, but Ellis received the nomination by a small majority. Moore says the party recognized Holden's ability, but disliked his agrarianism and distrusted his good faith. Such a statement is misleading. Holden's



good faith could hardly be questioned, for he had revolutionized the politics of the State. When he took charge of the *Standard* the Democrats were in the minority and were regarded as 'scalawags,' for they were opposed to all internal improvements and to progress in general. He changed the attitude of the party in 1848 not only in regard to free suffrage, but he was instrumental in securing the appropriation for the North Carolina Railroad. From this time the Democrats were recognized as the advocates of internal improvement. When the Know Nothing party appeared and threatened a dissolution of his party, Holden remained faithful, and through his efforts the State was saved from the domination of that movement. Perhaps the real cause of his defeat in 1858 was social, not political. He had always been the friend of the common people and took advantage of every opportunity to destroy the aristocratic influence that had prevailed in the State since colonial times, as his policy in 1848 towards suffrage and in 1860 towards taxation demonstrate. In this sense only was he agrarian. That the division of 1858 was social may be verified by the following from the *Raleigh Register*:

"The lawyers and upper crust generally are for Ellis, while the unwashed multitude are for Holden. We think he is entitled to the nomination and are of opinion that it would be a burning shame if one who has spent his life in making great big men out of the very smallest sort of material should be refused the reasonable reward which he so urgently seeks."

Be these things as they may, Holden firmly believed that his defeat was due to the unfair schemes of his enemies. He does not publish the proceedings of the convention and little is known of the transactions of that body. He supported Ellis, who was elected. But the convention of 1858 marks one of the critical points in Holden's career and so is an important event in the history of his party.





## PART II.—SECESSION AND PEACE MOVEMENT.

The year 1858 was one of the most critical in the history of the Democratic Party in North Carolina, for it marks the beginning of that disintegration of party unity which proved so disastrous in 1860. The rivalry of Ellis and Holden is not the only omen of the impending crisis. Col. Duncan MacRae opposed Ellis for Governor, differing with the majority of his party in regard to the distribution of the proceeds of public land sales. In the same year Moses A. Bledsoe, of Wake County, introduced a new issue into the politics of the State. The only tax on slave property was a poll of forty cents. Originally the amount of this tax was the same as that on three hundred acres of land. Many changes of course had been made, as any effort to regulate taxation by a land basis must prove a failure so long as the value of land varies. In 1858 the tax on real estate was twelve cents on each valuation of three hundred dollars. This law was unpopular with the small land holders: it was claimed that the proportion of revenue yielded by the land owner when compared with that assessed on slave holders was excessive. In Wake county Mr. Bledsoe was a candidate for the Democratic nomination to the State Senate. He was opposed to the existing condition of taxation and advocated an *ad valorem* system, demanding that slave property be taxed on its face value. As most of the slave owners were Democrats, he lost the nomination, but opposed the regular nominee, Geo. W. Thompson, on an independent ticket. Mr. Bledsoe, after one of the most brilliant campaigns in the history of the State, was elected. Mr. Holden, though at heart in sympathy with the *ad valorem* men, remained true to his party and opposed the measure and its advocates. But in 1859 a *Standard* reporter was refused admittance to a Democratic meeting in Raleigh. The division in the party was deeper than conformity to platform clauses could mend.

These dissensions led Holden to consider the tendencies





of those doctrines which had actuated his party for so many years. The result was that from 1858 to 1860, the National issues are not so prominent in the "Standard" editorials, and in the latter year Holden, who had been regarded as an "extreme Democrat of the Calhoun school," renounced his previous professions and appeared as an open enemy to secession and friend to the Union of the States. This second change of party affiliations naturally brought upon him the condemnation of his former allies. But in this act of apparent perfidy he shows himself to be a most careful and profound student. He is in many respects the Talleyrand of North Carolina politics. Like the French statesman, he entered life under many disadvantages, renounced the associations of his youth, and was one of the leaders in that social as well as political revolution which destroyed the old regime and placed all citizens on a common basis of suffrage. Within a few years he had become the leading political diplomatist of his State: and now that he had taken the important step of adopting a new policy and principle, he might say Tallyrand-like, that he never deserted his party till it had deserted the true interests of the Nation for those of a section, that he neither served this government or that, and never considered the interests of any party before those of his country. But this change was not, from a party standpoint, so radical as that of 1843, for many of the Democrats besides Holden were true Union men, and always declared that they represented the real Democratic Party and that the secessionists were the bolters. Yet secession was the logical conclusion of the Democratic platforms of the past, and members of that party were the authors of the Confederacy.

In 1860 Governor Ellis was renominated for office by the Democrats. Mr. Holden abandoned his previous attitude towards taxation, and joined the *ad valorem* wing of that party. John Pool was nominated in opposition to Ellis, but was defeated. The cause of *ad valorem* taxation was



lost in the Union, but it became the legal system for slave taxation during the Confederacy.

In the same year Mr. Holden was one of the North Carolina delegates to the famous Charleston Convention. The account of the proceedings of that assembly, taken from his private memoirs, not only describes North Carolina's position on the great issue of that time, but is also a valuable sidelight on the condition of feeling throughout the South. It proceeds as follows:

"In the winter of 1860-'61, a State Convention of the Democratic Party was held in Raleigh, and delegates were appointed to a National Convention to be held in Charleston, to nominate candidates for President and Vice-President.

"The delegates appointed to represent the State, were: Bedford Brown, William S. Ashe, Waightstill W. Avery, and W. W. Holden. I travelled to Charleston with Hon. Bedford Brown. I found Hon. R. P. Dick there already.

"And here commences a most important sketch of my history. I had been acting for a long time with the States Rights Party, (not of the Yanceyites) but was in accord with Jackson, Van Buren, and Bedford Brown. I was a State delegate and had a right to speak for the State with Messrs. Ashe, Avery, and Brown. I was jealous for the so-called rights of the South, on the question of slavery, and greatly concerned at the apparently impending election of a sectional candidate for Presidency. But I was not a Secessionist nor a Revolutionist. I was strongly attached to the Union of the States, and felt myself to be a *National* man. But for what I saw and heard, I might have gone with my party and been a Secessionist.

"When I reached Charleston I was taken aside by a friend in whom I had full confidence, who said, 'Holden, I know you want to do right: I have been here for a day, and I have information of a purpose on the part of some of our Southern friends to dissolve the Union.' I was





greatly surprised and concerned. He said to me, 'I give you to-night to listen and learn, and in the morning tell me what you think, and what your purpose is.'

'The night of the day on which we all reached Charleston, we held a meeting in our delegation room and Mr. Senator Bayard of Delaware presided. A motion was made to appoint a committee from our delegation to visit the Southern delegations, and confer with them, mainly because some of them were natives of North Carolina. This motion was opposed by Bedford Brown, R. P. Dick, and myself, and voted down. We maintained that it would be a sectional act and under the circumstances would be improper. And there I saw the cropping out of the purpose of which my friend had just warned me. Colonel Bedford Brown had just said to me, 'Mr. Holden, our delegation has very properly decided not to send officially any one to visit the Southern delegates, but we can go as individuals to a great meeting to be held to-night, near this place on Charleston Street. I propose to go, will you go?' William A. Moore of Edenton was standing by, and said he would go too. The meeting was held upstairs in a very large room which was filled. I heard several speeches and they were all for disunion, save the short speech made by Colonel Bedford Brown. Mr. William L. Yancey of Alabama spoke first, for a considerable time. He was followed by Mr. Glenn, Attorney General of Mississippi. Colonel Brown then took the floor, being called out by Mr. Glenn who was his kinsman. He made a conservative Union speech, and was interrupted, and scraped, and laughed down. An Arkansas Militia General whose name I have forgotten, and who was unknown in the conflict between the North and South, replied to Colonel Brown, and ridiculed his views, amid general and vehement applause. Colonel Brown then turned to me and said, 'Mr. Holden, let us shake off the dust from our feet, of this disunion conventicle and retire.'



“We returned to the Charleston Hotel, and very soon a large crowd with a band of music appeared at the front of the hotel. Speaking was going on at various points, and presently, some bold fellow in front of the hotel shouted, ‘Three cheers for the Star Spangled Banner!’ and fled for his life. The reply was from the crowd, ‘*Damn* the Star Spangled Banner, tear it down.’

“The next morning I told my friend who had warned me of the danger of disunion, and of bolting the body, that my mind was made up, and that I would stand by the American Union at all hazards and to the last extremity. A few days afterwards while the vote was going on, and while South Carolina and Georgia and Mississippi and Florida and Arkansas and other States south of us were bolting, another friend of mine, Mr. R. C. Pearson, of Burke, approached me from the rear, and said to me most earnestly, ‘You must make a speech and hold our delegations against going out.’ He had come for me through the Virginia delegation who sat in the rear. ‘For’ said he, ‘from what I have heard, if our delegates go out, Virginia will go out also, and the Convention will be broken up.’ I said, ‘Mr Pearson, I am not in the habit of speaking very often—there are 600 delegates here, and a vast audience besides—it would be a piece of assurance on my part, to attempt to address this body at this time, especially amid this excitement, with Mr. Cushing, the President of the body, hostile to Mr. Douglas and his friends I can’t get a hearing.’ ‘Yes you can,’ said he, ‘I will go around and speak to the Indiana, the Illinois and the Ohio delegations, and ask them when you arise to speak, to insist on North Carolina being heard.’ I then told him I would try as soon as Mr. Seward of Georgia took his seat. I arose and said, ‘Mr. President, Mr. Holden of North Carolina.’ Mr. Cushing sat for twenty seconds and did not recognize me. Then the States mentioned arose and demanded in a voice of thunder that North Carolina be





heard. Mr. Cushing arose and bowed, and gave me the floor. I spoke for ten minutes. I told the Convention I had been sent there by the State of North Carolina, one of the four State delegates; that I could not be a party to any steps looking to disunion; that my party had sent me to maintain and preserve, and not destroy the bonds of the Union; that by an immense majority the people of my State, with *George Washington* the Father of the Country, would frown indignantly on the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which link together the various points."

In his editorials on the Convention he gives further emphasis to the position of North Carolina:

"If North Carolina had gone out, or even waived, the middle States of Virginia, Tennessee, Maryland, Kentucky and Missouri would have followed her example and only the non-slaveholding States would have remained. This would have rendered the Charleston Convention a sectional body without authority to adjourn as a National Convention. The party would therefore have gone to pieces at Charleston, having no common basis on which to re-construct or re-unite its disjointed party. By her firm stand, North Carolina saved the party, and to that extent contributed to save the Union."\*

On Holden's return from Charleston, he attended the meeting of the Wake county delegates assembled to nominate candidates for the Legislature and addressed them "in most earnest terms against Secession and disunion." Resolutions agreeing with his sentiments were adopted by the Convention. "Only one man of that large body voted for disunion."†

In June, Mr. Holden was one of the State's delegates to the Second National Convention of the Democrats which met in Baltimore. Again sectional strife dominated the National interests of the party. The Southern extremists bolted, and nominated Breckenridge of Kentucky for the Presidency; while the Convention supported Stephe

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\*May 16, 1860. †Memoirs (unpublished.)





Douglas. The North Carolina delegates were divided, some joining the Secessionists, but Holden maintained a neutral position.

"We declined to secede at Baltimore, but out of respect for the opinions of the fifteen delegates who did and because of the impending elections at home . . . we declined to act or to vote, after the President of the Convention and so many of colleagues had retired. If we had voted at all, we would certainly have voted for Stephen A. Douglas."

The Charleston and Baltimore Conventions were forcible object lessons of those principles which soon plunged the Nation into war. Mr. Holden's policy in those critical months was temporising. He bitterly opposed the Secessionists, but the idea of a moral union never appears in any of his editorials. He held to the old compact view of the Union.

"We believe that the Constitution adopted by the people in 1798, established a government of delegated powers; that the States parted with only so much of their sovereignty as was necessary to render this government efficient as a common agent; that the powers not delegated were reserved to the States respectively or to the people; and that if this government should violate the Constitution and attempt to oppress or injure the minority, that the majority thus controlling the government and violating the Constitution, will have committed a revolution; and that in such an event the majority States would be released and would have the right to secede from the majority and establish a new Federal Union, or to take any other steps which they might deem necessary to their protection, prosperity and happiness."

He declared that a battle was at hand "between the people on the one hand and privileges on the other: between Union and Disunion:" that as yet there is no cause for secession and he "who would deliberately dissolve and destroy the National Democratic party while it stands upon its old and well-known doctrine of non-intervention has but one more step to take to become a disunionist"\*

Such being his interpretation of the Constitution, he recognized Douglas as the regular nominee of his party, but in the campaign he supported the Southern ticket on these

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\*July 11, 1860.



conditions: "That the electors will vote for the strongest man, Breckenridge or Douglass as the case may be, against Lincoln. That is, if the vote of this State will elect either of them over Lincoln, or will put either of them in the House, it is to be cast accordingly. But if the vote will elect neither, nor put either of them in the House, the electors to vote as they please."\*

The election of Lincoln hastened the National crisis and made secession more imminent. Though the defeat of the Democrats was the victory of the non-slaveholding section, Holden still supported the National Government, refusing to regard Lincoln's election as a cause for the withdrawal from the union of the States. Speaking of the "hounds of power," "the fire eaters" who will attack North Carolina and try to force her to secede, he says:

"Let them come. We will receive them with hot shot from this old Democratic battery, and send them howling to their masters. We shall stand like a rock against both disunion and submission. We shall call on the people to come to the rescue. . . . Let them say to the fire eaters, thus far but no farther. Let them tell their representatives that no consultation with other States is necessary, if it be their determination to remain in the Union and give Lincoln a trial."

When South Carolina seceded, and the other cotton States were about to join her, he declared that North Carolina's position was not weakened but strengthened, and and called on the border States to intercede and prevent war.

"Let Tennessee, Kentucky, Missouri, Maryland, Delaware, Virginia and North Carolina, stand where they are, so as to be in a situation to act as mediators between the North and the South. It may be that the glory has been reserved for these Middle States of reconciling with each other brethren of extreme views, and of thus preventing the final overthrow of our system."

On January 1, 1861, the Legislature passed an act which declared "that the sovereign people of the State should assemble in convention to effect an honorable adjustment of

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\*August 15, 1860.





the difficulties, whereby the Federal Union is endangered, or likewise to determine what action will best preserve the honor and promote the interest of North Carolina." The time set for election of delegates was in February, but whether the convention should ever assemble was to be decided by the people. George E. Badger, Quenten Busbee, and Holden, were Union candidates for Wake county. Party lines were disregarded and the people voted against the convention. The Union sentiment predominated in North Carolina.

In April news arrived of the bombardment of Fort Sumter. Although Holden disapproved of South Carolina's action, he maintained that the Union could not be maintained by force, and that if President Lincoln should attempt to suppress the seceding States by force, he would by his voluntary action abrogate the Union. Now, more than ever, the mission of the border States was to maintain peace. "If they cannot check and control the two extremes, no other power can." The war proclamation was soon issued, the last link that bound the South to the Union was broken.

"The proclamation of Lincoln . . . has completed the sectionalism of the country. . . . The Union cannot be maintained by force. Men cannot be whipped into freedom. . . . The proclamation of Lincoln is a gross usurpation. He has broken the Constitution. He has assumed and is now exercising un delegated powers. . . . The Confederate States have grievously erred—they fired the first gun at Charleston—they provoked the war. Admit all this, and still there is no justification for an attempt on the part of Mr. Lincoln to involve the whole country in war and bloodshed. . . . Unchain the tornado and then bid it become a zephyr! Command Niagara to freeze as it falls—civil wars are the worst of all wars."

To border states—"We must unite and command the peace if possible; if we fail in that, *we must fight*."

On May 1st, the Legislature passed a second act calling for a convention to assemble in Raleigh on May 20th. The meeting of this convention was not subject to the will of the people. The delegates met on the appointed day and ordinances of secession were adopted. Holden is said



to have fixed his signature to the Secession document with a gold pen purchased for the purpose and to have exclaimed, "This is the greatest act of my life."

The Secession convention was the occasion of a re-forming of political affiliations. The Whigs who had opposed the war to the last extremity, such as Badger, Graham, and Vance, united with Holden and the Union Democrats, and were designated Conservatives. The original Secessionists and their followers were still known as Democrats. An extended discussion of the history of these parties is not necessary. The war absorbed the attention of all for the next two years. In August, 1862, Colonel Zebulon Vance was elected Governor by the Conservatives over Colonel William Johnston, of Charlotte, the Democratic candidate. Holden was an ardent supporter of Vance, was influential in securing for him the Conservative nomination, and on the day of inauguration the Governor-elect privately submitted his address to Holden's criticism. There was apparently perfect harmony among the people regarding the war until the summer of 1863, when not only the State Government, but also the whole Confederacy, was thrown into confusion by what has been called the "Peace Movement." This has been greatly misunderstood, and its leaders too unjustly condemned. It was but the popular expression of a desire for peace which was not unknown in the councils of many of the leading Confederate statesmen. In fact, the principal differences between the Peace Party in North Carolina and other advocates of cessation of hostilities, were that the former (1) had its genesis in personal grievances of the people against the Confederate administration, and (2) its leaders were more pronounced and radical as to the measures to which the authorities should resort to secure peace.

The movement was spontaneous in its origin. It spread like wild fire throughout the State in August and September, 1863, and it produced, in the short time of eight





weeks, one hundred meetings that condemned the Administration and demanded peace. It was the result of an inefficient central government and of the gradual occupation of Southern territory by the Federal army. Holden was its acknowledged leader, though he denied that the demand for peace was first made by him. The Conservatives and Democrats united for the suppression of the new party. Perhaps the ablest statements concerning the conditions of North Carolina politics at this time are to be found in the *Hillsboro Recorder*, articles transcribed from the *Fayetteville Observer*, a Conservative organ, and from the *Standard*. A consideration of the arguments of these papers reveals the real condition of the Confederacy from the point-of-view of contemporaries and so gives the most adequate view of the claims of the peace men.

"When our people separated from the Federal Union and united themselves with the government at Montgomery," says Holden, "they did so in the belief that men of all shades of opinions would thenceforth be political equals, and that the form of government adopted would be so administered as to preserve the rights of the sovereign States and protect free expression of thought and opinion. In this they have been grievously disappointed." Party lines should have been laid aside and the energies of all directed against the common enemy. The Administration failed to appreciate this necessity and the central government became extremely partisan. No citizens who did not regard Lincoln's proclamation as ground for dissolution were admitted to the Cabinet, and in the words of Mr. Hale, the editor of the *Observer*, old Whigs as Badger, Graham, Vance, Gilmer, as well as Holden and the Union Democrats, were denounced as "faithless to the South, opposed to the war, and in favor of reconstruction." Holden says that those who protested against the partisanship of the Richmond authorities were threatened with a "hideous mark" which should disgrace them and their





families. In 1862 the *Observer* was charged with favoring the Union because Mr. Hale supported Vance.

This was the basis of discontent; but there were other more immediate causes. First, the rights of the States and liberty of citizens were infringed. When North Carolina seceded the individual States were the masters of the new system. But now war is no longer voluntary. "the conscription and tithing laws leave nothing to the States, but the central government takes our fighting men with one hand, and the tenth of our substance with the other." The Richmond authorities, in addition to recruiting those of legal age for war, often impressed into service men over forty years of age, and so arranged that what little produce was raised in the various States should all be taken to provide for the army. "Seizures of persons and property," he continues, "have become as common as they are in France or Russia. Personal liberty has been made dependent on the mere will of any officers appointed by the President. . . . Our courts, when they have interposed to protect these unfortunates and to uphold the law, have been disregarded in many instances and their integrity reflected on in gross terms by the war department at Richmond."

Financial depression was another grievance. The Confederate currency was gradually repudiated. In one instance a Cabinet officer refused to accept the legal tender of his own government. Ten dollars in gold would buy one hundred in Confederate Bank notes. When the Confederation was formed, President Davis was urged to buy cotton and make it the basis of supplies and currency, and then call for 500,000 volunteers. Instead he ordered 15,000 stand of arms and borrowed \$15,000,000. Also the State governments were in debt. North Carolina's was one-tenth the value of the entire State if sold for cash.

But that which aroused the greatest resentment was the treatment of North Carolina troops. She furnished more



than her quota of men, who fought in the war in every engagement and were then denied their merited praise. Officers from other States were appointed to command them and when native North Carolinians were promoted they were of the same political affiliations as the Administration. The "crowning outrage" was reached when Major Bradford of Virginia was appointed to collect tithes in North Carolina. "This led to the first public meeting in the State."

Other charges against the Government were that the people had been deceived by the idea that cotton would insure success, and that France or Europe would interfere. The loss of the Mississippi was attributed to the inability of "pet Generals." "Our armies are not materially increasing while our enemies are recruiting from twenty million people," besides the European immigrants. Finally secession was brought about by a few politicians. The "people did not desire to secede;" they were willing to try Lincoln to see if the body of the people would not restore the nation. But the precipitation of the Southern States and Lincoln's cruel policy would not allow this. North Carolina was therefore compelled to fight against her will. This was an able argument and its validity was recognized by the Conservatives as well as the "Peace" men. The Union sentiment in North Carolina was stronger than in any other Southern State with the exception of the "border States." Madison county, in proportion to her population, contributed more men to the army than any other county in the Union. In September 1864, Governor Vance, in a letter to a friend, said: "The *great popular heart* is not now, and never has been in this war. It is a revolution of the *Politicians*, not the people; and is fought at first by the natural enthusiasm of our young men, and has been kept going by State and sectional power, assisted by that bitterness of feeling produced by the cruelties and brutalities of the enemy."





The great result of this maladministration, says Mr. Holden, is that "slavery has suffered more injury during the last two years than would probably have befallen it in the long sweep of fifty years under the old Government. The peculiar champions of the institution have placed it, we fear, on the high road to extinction. And just here, we beg leave to say to the *Observer*, is the source of one of the most serious apprehensions of the people. The sudden emancipation of our slaves in our midst would be the greatest blow which could be inflicted on Southern society. It would ruin this generation beyond redemption and its effects would be seen for ages to come. Nor would this ruin be partial. It would ruin the non-slaveholders as well as the slave holders and finally the slave himself. Subjection, if it should be in reserve for us, would be emancipation." Hence the people desire something better than subjection in the last resort. Peace cannot come through the Confederate Government for Lincoln will only treat on an unconditional surrender, and the Confederate Administration has sworn never to yield except independence be granted. But if Mr. Lincoln will not hear the Confederacy, he might hear sovereign States. Co-operation might be accomplished among the States, war cease, and the questions at issue be left to Statesmen to settle. This would not depress the soldiers; they would fight better when they knew that the people at home were working for peace. The old form of government is not to be desired; but peace would be far more acceptable than the present condition of Mississippi and Louisiana.

These arguments of the Peace men could not be refuted. Mr. Hale, in defence of the administration, could only charge the agitators of being friends and relatives of deserters and non-slave holders, who believed the war was waged against slavery, and consequently were out of sympathy with the Government because it involved destruction of property. This is a plausible explanation



but is not satisfactory when the various locations of dissatisfaction are considered. As before said, there were one hundred Peace meetings. These were held in all parts of the State, especially in the Central and Western regions. Transylvania, Buncombe, Watauga, Wilkes, Yadkin, Forsythe, Guilford, Henderson, Rutherford, Alamance, Iredell, Davie, Rowan, Cabarras, Randolph, Mecklenburg, Stanley, Moore, Wake, Granville, Nash and Wayne were some of the counties in which mass meetings were held reproaching Davis and his cabinet and calling for overtures for peace. In Wayne the dissatisfaction was so great that the women of the county convened and protested against the devastations of their homes produced by the ineffective policy of those who controlled the Government. The disaffection was not local but spread to the army. In order to check it the officers held anti-Holden meetings and finally the *Standard* was not allowed to be circulated among privates. The following is a letter to Holden from a soldier at Kinston:

"The meeting held in this city to act on your course was composed of officers and privates, but the privates had no part in it. They were present, but they did not dare say anything. If the privates could have voted their sentiments, two-thirds of them would have endorsed your views. The soldiers are mad to think that they have got to be represented as being against the *Standard* when it is not so. All they wish is a vote by ballot. . . . We in the 42d are deprived of the privilege of reading the *Standard* unless we do it slyly, as the Colonel has forbidden them to be brought into camp."\*

Another writes and asks Holden not to show his letter or use his name—for if the officers were to hear of his letter they would punish him. Letters also came to the *Standard* office from soldiers in South Carolina and Georgia. But Holden always denied that he favored desertions in the army. His motto was to fight with one hand and bear the olive branch in the other.

Holden and his followers were bitterly condemned by

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\* *Standard*, September 3, 1863.





both Conservatives and Democrats. In Charlotte the people burned him in effigy. In September, 1863, a company of Georgia troops passing through Raleigh attacked the *Standard* office, destroyed the presses, and Holden himself was only saved by the intervention of Governor Vance. The next day the Peace men retaliated by demolishing the office of the *State Journal*, the Administration organ. They in turn dispersed at the request of Vance. Vance's official letter to President Davis explains the event in detail:

September 11, 1863.

"The country is in a dangerous excitement and it will require the utmost skill and tact to guide it through safely and honorably. The soldiers who originated the mob belonged to Benning's Brigade and were led by their officers, several of whom I saw in the crowd, but heard none of their names except a Major Shepherd. I have also reasons for believing it was done with a knowledge and consent of General Benning, as he remarked to a gentleman an hour or two previous that his men had threatened it. During its continuance he could not be found, a messenger sent by me to his supposed quarters at the depot was refused admission to him, and although he had ample opportunity after the occurrence to have seen or written to me disclaiming this outrage upon the honor and peace of North Carolina, he did not do so."

The Peace men were largely discontented Conservatives. When Vance was made Governor in 1862, it was understood that he was not in sympathy with President Davis and his policy. But Holden declares that in "August and September, 1863, after he (Vance) had visited Richmond and talked with Mr. Davis he fell into new and curious ways. In a word, he left entirely the thousands upon thousands who had made him Governor and placed himself at the head of the Secessionists of the State." This was admitted by all the Conservatives, for Mr. Hale says in his article elsewhere referred to that now (1863) Governor Vance has an understanding with Mr. Davis and there need be no further dissatisfaction with the Administration.\* Early in 1864 the Confederate Congress passed

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\*Governor Vance publicly expressed his change of attitude toward Davis in a speech at Wilkesboro.





an act suspending the writ of *habeas corpus* in certain cases, among which were the following:

I. Of treason or treasonable efforts or combinations to subvert the Government of the Confederate States.

II. Of conspiracies to overthrow the Government, or conspiracies to resist the lawful authority of the Confederate States.

III. Of persons aiding or inciting others to abandon the Confederate cause, or to resist the Confederate States, or to adhere to the enemy.

How far these clauses were directed against the Peace advocates remains unknown. Mrs. Spencer tells us that "Mr. Holden deemed it prudent to suspend the issue of his paper for two months in the spring of 1864, in consequence of the act suspending the writ of *habeas corpus*." But the *Standard* did not suspend issue till after the elections of 1864.

On February 10, 1864, a mass-meeting of the discontented was held in Raleigh, and resolutions were adopted requesting Josiah Turner, one of North Carolina's representatives in the Confederate Congress, to have the writ of *habeas corpus* put in force again, and also recommended Holden as candidate for Governor in the coming elections. "That as Governor Vance has voluntarily and for reasons best known to himself, made his bed with the destruction leaders, we are indisposed to go over to that side of the house to remove him to his former place. His attempt to transfer his old friends to the support of the Destructives, and his wretched jokes at a time like this, when our people are almost literally bathed in blood and tears, in the midst of their sacrifices and sufferings, will neither add to the dignity of his office nor convince the judgment of his hearers. We shall vote against him with as much good will as we voted for him two years ago." This document was signed by Lynn Adams, chairman: D. A. Wicker and J. N. Bunting, secretaries. Vance was re-elected by a



large majority. The Peace meetings were finally suppressed by force, and the defeat of 1864 marks the culmination of the movement. But until the close of the war there remained a discontended element in the State.

It remains to consider the grievances of the Peace Party as viewed by the Conservatives and other supporters of the Confederacy. The causes of this discontent were not charges trumped up by enemies of the South. The conditions of the government were just as the *Standard* portrays them, and they caused both Vance and Davis much trouble. The following extracts from Vance's letter-book corroborate the claims of the Peace men:\*

#### I. CONSCRIPTIONS.

RALEIGH, N. C., January 26, 1863.

*Hon. James H. Seddon, Secretary of War, Richmond, Va.:*

SIR:—I had the honor to complain to His Excellency the President and your immediate predecessor, Mr. Randolph, in regard to the manner of enforcing the Conscrip Act in this State, and of disposing of men in regiments during the month of October last. I am compelled again, greatly to my grief, to complain of the appointment of Colonel August as Commandant of Conscrips for North Carolina, who has recently assumed command here.

Merely alluding to the obvious impropriety and bad policy of wounding the sensibilities of our people, by the appointment of a citizen of another State, to execute a law both harsh and odious, I wish to say, sir, in all candor, that it smacks of discourtesy to our people, to say the least of it. Having furnished as many (if not more) troops for the service of the Confederacy as any other State, and being, as I was assured by the President, far ahead of all others in the number raised by the Conscrip Law, the people of this State feel mortified in seeing those troops commanded by citizens of other States, to the exclusion of the claims of their own. This feeling is increased and heightened into a general indignation when it is thus officially announced that North Carolina has no man in her borders to command her own conscrips. While scores of her noblest sons and best officers are now at home with mutilated limbs and shattered constitutions."

*To Jas. H. Seddon, Secretary of War:*

"Gen. Pillow has sent a detachment of cavalry into Western North Carolina to enroll and arrest conscrips without the shadow of law and in defiance of the proper authorities. . . .

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\*July 6, 1863. Disapproves of the appointment of Bradford as Tax Collector for North Carolina. Also officers speculating privately.





"Please order it stopped through Col. Collart, of Greenville, Tenn., or there will be resistance and bloodshed.

"Raids by cavalry bands in the west were another abuse that made the people restive. People were arrested by Confederate soldiers from other States. At another time a young man by the name of Axby, in Cherokee county, was carried off by some Georgia troops. 'As such proceedings can not be tolerated for a moment, I have issued orders *pendante dite* to the State officers of that county to call out the militia and shoot the first man who attempts to perpetuate a similar outrage without the Marshall of that district.' "

March 25, 1863.

"If God Almighty had yet in store another plague worse than all others, which he intended to have let loose on the Egyptians, in case Pharoah still hardened his heart, I am sure it must have been a regiment or so of half armed, half disciplined Confederate cavalry. Had they been turned loose on Pharoah's subjects with or without an impressment law, he would have become so sensible of the anger of God, that he never would have followed the children of Israel to the Red Sea. No, sir, not an inch . . . unless something can be done, I shall be compelled in some sections to call out my militia and levy actual war against them."

In December 1863, Gov. Vance made the following recommendation to President Davis, concerning the attitude of the Government toward the peace agitators.

"After a careful consideration of all sources of discontent in North Carolina, I have concluded that it will be impossible to remove it, except by making some effort at negotiation with the enemy. The recent action of the Federal House of Representatives, though meaning very little, has greatly excited the public hope that the Northern mind is looking toward peace. I am promised, by all men who advocate the course, that if fair terms are rejected it will tend greatly to strengthen and intensify the war feeling, and will rally all classes to a more cordial support of the Government. And, although our position is well known as demanding only to be let alone, yet it seems to me for sake of humanity, without having any weak or improper motives attributed to us, we might with propriety constantly tender negotiations. In doing so we could keep conspicuously before the world a disclaimer of our responsibility for the great slaughter of our race, and convince the humblest of our citizens—who sometimes forget the actual situation—that the Government is tender of their lives and happiness, and would not prolong their sufferings unnecessarily one moment. Though statesmen might regard this as useless, the people will not, and I think our cause will be strengthened thereby. I have not suggested the method of these negotiations or their terms. The effort to obtain peace is the principle."

In reply to this Mr. Davis said that he had made "three



distinct efforts to communicate with the authorities at Washington," and each had proved unsuccessful. "The attempt again to send commissioners or agents to propose peace, is to invite insult and contumely, and to subject ourselves to indignity without the slightest chance of being listened to." Peace could only be obtained by the unconditioned surrender of the Confederacy, and this was foreign to the councils of both Vance and Davis.

From this correspondence it is evident that both Holden and Vance were dissatisfied with the Confederacy. But Vance favored waging war to its bitter end. There was no hope for a peace on the terms of the Confederacy, and the Southern States were doomed. Holden and the peace men wished to make constant overtures for peace, and when the end was certain, advocated peace on any terms rather than the useless slaughter of the Southern army. Unfortunately those who were contemporaries of the war and have since attempted to write its history, have neglected to treat of Holden and his party. Says Major Moore: "The siege of Petersburg went on, and the sad news of Gen. Early's defeats in the valley came ever and anon to add fresh sorrow and despair to the South, but with a blind and desperate disregard of the situation, no hand was lifted to stay the slaughter or make terms amid so many combatants." Yet a few pages further he condemns the peace men as unfaithful to their country.

To the peace men were attributed all the misfortunes and reverses of the war. A loyal Confederate in his diary makes these charges.

September 25, 1863.

Had Holden and Company done as he did the 4th April, 1861, we would now have been enjoying a blissful peace and separation from the vile Yankee. We could without the loss of all honor and thousands of our best men left to their families, home and country. The blood of these are upon the skirts of Holden and his coadjutors to a more or less degree, I have no doubt. What does he or they care for the soldier he or they have duped when he is tried by court marshal and shot? And many have thus gone leaving a blasting stigma on his home for his friends to inherit."





March 4, 1864.

"The *Standard* edited by Mr. Holden, of Raleigh, has been a schism, etc., from the first and has been the direct causes of many desertions and many executions of our brave soldiers of this State. He has built up what he calls a Conservative party whose members are doing much injury to our cause, particularly in the upper regions of the State, and murder and robbery have in many instances been the result."

It is impossible to determine in any definite and final terms the influence of the Peace movement, for it was suppressed by the civil and military authorities. Perhaps the mass-meetings were not so great a danger to the Confederacy as they have been regarded. Says Mr. Holden: "I think it more than likely that these meetings were safety valves to the Confederacy; for the people at home, having expressed their views and opinions and finding that nothing could be done to arrest the war, relapsed into their condition of suffering endurance, and 'waded deeper,' as Major Moore says, 'into the crimson flood.'" Whether the efforts towards peace in North Carolina were connected with the similar agitations in the North, remains unknown. However, a gentleman recently told me that he once saw in some war files of the New York *Herald* an article that stated that overtures for peace were constantly expected from North Carolina; and in January, 1864, Vance wrote as follows to a friend: "It is now a fixed policy of Mr. Holden and others to call a convention in May to take North Carolina back to the United States, and the agitation has already begun. Resolutions advocating this course were prepared a few days ago in the *Standard* office and sent to Johnston county to be passed at a public meeting next week, and a series of meetings are to be held all over the State." When Sherman's army entered the State the soldiers expected to be well received, for they believed that a Union sentiment prevailed in North Carolina and that her citizens favored peace.

Whatever may be said regarding the Peace agitators, this fact so well stated by Mr. Holden, remains true.





“North Carolina very reluctantly followed her compatriots of the Southern States in resisting the authority of the Union. The chief corner stone of the Confederacy was the right of secession. North Carolina, therefore was a sovereign State, and had a right to do whatever she deemed best for the protection and prosperity of her people.” So the peace movement was another result of those principles that precipitated secession and war. In regard to Mr. Holden's public life, his political relations during the war alienated from him many of those who had been his friends in the early days of the Confederacy. He and his opponents of the old Whig Party were conciliated at the secession convention. But his position from 1863 to the close of the war again separated him from his old friends. The breach was increased and made lasting by the events soon to take place during the days of Reconstruction.

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#### KING'S MOUNTAIN EXPEDITION.

BY DAVID VANCE AND ROBERT HENRY.

[Continued from Page 35.]

At the time when the news of Cates' defeat reached Colonel Charles McDowell he had detached Colonels Shelby and Sevier to go around Ferguson's camp to dislodge some British and Tories on the Enoree, near to Ninety-Six. He then sent an express to Shelby to take care of himself, for Gates was defeated. Whereupon Shelby made the best of his way around Ferguson, and fell in with Charles McDowell and the main body retreating towards Gilbert Town. Then it was suggested by Shelby that a sufficient force could be raised over the mountains, with the assistance from Wilkes and Surry counties, to defeat Ferguson. This was agreed to by all the officers present. The troops were raised without government orders; each man had to furnish his own provisions, arms, ammunition, horse, and all his equipage, without the value of a gun-flint from the public; without



pay, or expectation of pay or reward, even to the amount of a Continental dollar, depreciated to eight hundred to one. They were all volunteers; they were under no compulsion to go, but each man in advance consulted his own courage, well knowing he was going to fight before his return. They started in a rainy, inclement season of the year, without baggage wagon, pack-horse, or tent cloth, across the most rugged bar of mountains in the State, and almost pathless, having only a hunter's trail to travel, followed Ferguson through all his windings; at length overtook him at King's Mountain, where he boasted the morning of the battle that "he was on King's Mountain, and that he was king of that mountain, and that God Almighty could not drive him from it." There we overhauled him, fought him two to one, hence their fire was double that of ours; yet we killed 287 [247] of them, to 143 they killed of us. Yet the fate of nations and of battles turn on a pivot. Ferguson, a prudent officer, finding himself beset and surrounded on all sides, ordered his regulars, who had muskets and bayonets, to charge bayonet on Major Chronicle's South Fork boys. The regulars having discharged their muskets at a short distance with effect, in turn the Fork boys discharged their rifles with fatal effect and keeping before the points of the bayonets about twenty feet, until they loaded again, when they discharged their rifles, each man dropped his man. This was treatment that British courage could not stand; they in turn retreated with precipitation; then the flag was hoisted, and all was over.

If they had succeeded in the charge, it would have made a pass-way for his army, and they might have turned on our line on the one side of the hill, and defeated us in detail, or have made good their march to Lord Cornwallis at Charlotte, either of which would have been disastrous to the American cause. We had neither a coward or a traitor to face the hill that day. We were the bravest of





the brave; we were a formidable flock of blue hen's chickens of the game blood, of indomitable courage, and strangers to fear. We were well provided with sticks; we made the egg-shells.—British and Tory skulls—fly like union peelings in a windy day; the blue cocks flapped their wings and crowed—“we are all for liberty these times;” and all was over; our equals were scarce, and our superiors hard to find.

Taking the whole campaign, including the battle, I know of no parallel to it in the annals of ancient or modern warfare; the nearest was that of the Grecian Leonidas and his army at the battle of Thermopylæ with the Great Xerxes. Leonidas and his army were found, victualled and clothed at public expense; each individual of our army had to find at his own expense: Leonidas' army were under government orders; we were under no government at all, but were volunteers; Leonidas' army were furnished with arms and camp equipage; we had to find our own arms, ammunition and horses at our own expense; Leonidas' army were under government pay; we were under no pay or reward or the expectation of any: Leonidas' army had choice of ground at the pass at Thermopylæ; our enemies had the boasted choice of ground; Leonidas' army had to fight superior numbers—so had we; Leonidas had never a coward—neither had we any; but Leonidas had a traitor who was his overthrow and destruction of all but one man; we had neither coward or traitor to face our enemy—hence we were successful; Leonidas would have been successful, and have defeated or put to flight the Great Xerxes if he had not had a traitor aboard; Leonidas' defeat was the destruction of the fine country of Greece, and the burning and destruction of their fine city of Athens, the labor of ages. Our success was the salvation of our country and our liberty. There is no parallel here; we will see if there is in modern times.

The generosity and patriotism of the Great Washington



has been justly boasted of; he did not charge the United States anything for his services during the Revolution; he was found his food and camp equipage by the public, and everything else that he stood in need of; his necessary incidental expenses he kept an accurate account of, and they were paid by the public; he was paid for everything else but his military services. This has been justly considered as great generosity and patriotism and ought never to be forgotten. But this flight of the blue hen's chickens threw this into the shade of an eclipse.

Now we will make the comparison. Washington was rich, and had no family to provide for. We were poor and had families to provide for. He was provided with a horse, victuals, clothing, arms, camp equipage and necessary attendance; we had to provide our own horse, victuals, clothing, arms, amunition and blankets at our own expense. He charged nothing for his military services; neither did we charge anything for our military services, nor did we receive anything for them; he fought the battles of our country with success; we did the same. The expedition against Ferguson, including the battle of King's Mountain, did not cost the State or the United States, the worth of a single continental dollar depreciated down to eight hundred to one. It was all done to the expense of bravery of the actors in that transaction. There is no parallel here.

We will take a view of the situation of the country after the defeat of Gates and Sumpter, and before Ferguson's defeat. Cornwallis was in Charlotte with a large army; Rowdan was in Camden with another large army; Leslie was at Winsbororough with a considerable army; Conger at Ninety Six with a large army; McGirt, Cunningham and Brown, each having considerable force, carrying on a savage warfare of murdering, robbing, burning and destroying. George Lumpkin, Ben Moore and others in Lincoln County, the chief of plunderers, Tarleton





and Wemyss having large bodies of dragoons, the best mounted of any that were ever in the United States. For on the fall of Charleston, the British deluged the country with counterfeit Continental bills, sending emissaries through the three Southern States to purchase up all the best horses belonging to the Whigs, at any price. Besides these armies, numerous squads of Tories, wherever they could collect ten or twelve, were plundering, robbing, and destroying the last piece of property they could lay their hands on belonging to the Whigs. To finish the list, Furgurson with about 1,200 men, three-fourths Tories, whose principal business it was to destroy Whig stock. It is to be observed, that more than one-half of their armies consisted of Tories.

This is a statement of facts that needs no proof; they cannot be contradicted or denied, for everybody knows them to be true. This statement does not take into view the garrisons at Charleston, Savannah, Augusta and other places in the lower country, or the numerous bodies of Tories in the lower part of North Carolina, South Carolina, and Georgia completely under British rule, and North Carolina at the eve of it. We had no army in any of the three Southern States, under Government orders, of any account that I know of, except the poor fragments of Gates' defeated army, lying near the Virginia line. Marion's troops were volunteers, for the State, was under British rule. The Mecklenburg Hornets were volunteers from the counties of Rowan, Lincoln and Mecklenburg.

From this state of things, Cornwallis could easily have carried out his avowed purpose of again defeating Gates, and entering Virginia with the most numerous army that had been on the Continent, by calling in some of his needless outposts, and these numerous squads of petty-larceny plunderers, who were raised from poverty to affluence in a few day's plundering, and having still the expectation of further advancement by getting the Whig plantations. If





he had succeeded the patriotic State of Virginia would have had to contend with him and his army almost single handed, for it could have received little aid from the conquered States, and but little from Washington, or the Northern States, as they had their hands full with Clinton and his New York Tories. This was the most disastrous period for Liberty and Independence from the time of its Declaration to the end of the war. Liberty and Independence were then shrouded in Egyptian darkness. Furgurson's defeat was the turning point in American affairs. The battle, extraordinary as it was, was not more extraordinary than its effects were.

Cornwallis on hearing that Furgurson was defeated immediately dropped the notion of defeating Gates and entering Virginia with a numerous army, being already galled by the Mecklenburg hornets, was panic-struck to think that he would, alas! have, at the same time, to encounter the gaffs and spurs of the blue hen's chickens as soon as he could filch a few days' provisions from under the wings of the Hornets, took night's leave of the Hornets' nest, lest he should disturb the wasps, made a precipitate retrograde march, stopping neither night nor day until he joined Leslie at Winnsborough.

Instantly after Ferguson's defeat, McGirt, Cunningham and Brown quit their robbing, murdering, burning and destroying, and played the game of "the least in sight," and "shut mouth" into the bargain. Lumpkin, Moore and company fled to Nocachey; the petty larceny squads of Torys began to seek their hiding places and holes, like rats and mice when the cat would make her appearance. When Generals Green and Morgan came from the North with all the force that could be spared from that quarter, with the fragments of Gates' defeated army—the brave and cautious General Morgan found that he was unable to fight Tarleton, fled before him, until Williams troops, being chiefly South Carolina and Georgia refugees, who



fought under Williams at Fergusons' defeat, and the other troops who lived on the east side of the mountains, who fought at the same place—heard of Morgan's retreating before Tarleton, and rushed to his assistance. Being thus reinforced, General Morgan turned about, and defeated Tarleton at the Cowpens; General Green had to retreat before Lord Cornwallis until reinforced by the Mecklenburg Hornets, composed of volunteers from Rowan, Lincoln and Mecklenburg counties. Green turned upon Cornwallis, and at Guilford made an equal fight—neither having the victory. How would it have been with Generals Green and Morgan if Ferguson had not been defeated? Tarleton's force would have been greatly increased, and Cornwallis' army would have been more than double the number that appeared on the field of battle at Guilford. All then that Morgan and Greene could have done would have been to retreat and keep out of their way, and permit Cornwallis, agreeably to his avowed intention, to have entered Virginia with the most numerous army that had been in the field since the commencement of the war. Virginia would then have had to contend single-handed with that formidable force, with the assistance of General Greene.

In short, Ferguson's defeat was the turning point in American affairs. The loss of this battle would, in all probability, have been the loss of American Independence and the Liberty we now enjoy. I never on any occasion feel such dignified pride as when I think that my name counts one of the number that faced the hill at King's Mountain the day of that battle. Others may think and speak disrespectfully of that transaction who are in favor of monarchy and individual oppression; but that is not Joseph McDowell, nor you, my friend Bob.

I have written down my narrative, and General McDowell's reply to Musentine Matthews, which he delivered to the boys at the head of the Round-About on the Stone





Mountain, as nearly as memory would serve. Thinking that reading it might fill up a blank in your leisure hours, reflecting on the situation of the times to which the recited facts refer.

Your friend,

D. VANCE.

I will now relate a few facts relative to the battle at King's Mountain that came within my own view, and not related by Colonel Vance. In Vance's narrative, he refers to Colonel W. Graham's and David Dickey's leaving the army to visit his wife, and Major Billy Chronicle taking his place, and calling on his South Fork boys to follow him. At that time Enoch Gilmer called on Hugh Ewin, Adam Barry and myself to follow him close to the foot of the hill. We marched with a quick step, letting Major Chronicle advance about ten steps before us, but further from the hill than we were, until we met the wing from the other side of the hill. Then, Chronicle having a military hat, but had let it down to shelter the rain from him, and had it not set up, clapped his hand to it in front, and raised it up, and cried, "Face to the hill." The words were scarcely uttered, when a ball struck him and he dropped; and in a second after a ball struck William Robb, about six feet from Chronicle, and he dropped. We then advanced up the hill close to the Tory lines. There was a log across a hollow that I took my stand by, and stepping one step back, I was safe from the British fire. I there remained firing until the British charged bayonet. When they made the charge they first fired their guns, at which fire it is supposed they killed Captain Mattocks and J. Boyd; wounded William Gilmer and John Chittim. The Fork boys fired and did considerable execution. I was preparing to fire when one of the British advancing, I stepped [back] and was in the act of cocking my gun, when his bayonet was running along the barrel of my gun, and gave me a thrust through my hand and into my thigh; my antagonist and myself both fell. The Fork boys retreated and loaded their guns. I was then lying under the smoke,



and it appeared that some of them were not more than gun's length in front of the bayonets, and the farthest could not have been more than twenty feet in front when they discharged their rifles. It was said that every one dropped his man. The British then retreated in great haste, and were pursued by the Fork boys.

William Caldwell saw my condition, and pulled the bayonet out of my thigh, but it hung to my hand; he gave my hand a kick, and went on. The thrust gave me much pain, but the pulling of it [out] was much more severe. With my well hand I picked up my gun, and found her discharged. I suppose that when the soldier made the thrust I gripped the trigger and discharged her—the load must have passed through his bladder and cut a main artery of his back, as he bled profusely.

Immediately after William Caldwell drew the bayonet from me, then the word was that the flag was up—the Whigs then shouted "Hurrah for Liberty," three times at the top of their voices. It was immediately announced that Fergusson was killed. I had a desire to see him, and went and found him dead; he was shot in the face, and in the breast. It was said he had received other wounds. Samuel Talbot turned him over, and got his pocket pistol.

Being in much pain and drouthy, went down, left my gun, being unable to carry her, and when I got near to the branch met David Dickey and Colonel William Graham riding his large black horse, wielding his sword round his head, crying at the top of his voice, "Damn the Tories," and ascended the hill. Having seen him get leave of absence at the commencement of the battle to see his wife, I was filled with excitement and a conflict of passions and extreme pain; but this brought on another set of feelings, that may be understood, but I am not possessed of language to describe.

I then went into the branch, drank, bathed my thigh and hand—then went to see whether Major Chronicle and





William Robb were dead or wounded—found them dead. I saw some of the boys hauling Captain Mattocks and John Boyd down the hill; and Samuel Martin carrying William Gilmer, who was wounded in the thigh.

Several of the South Fork boys were desirous to start for home that night, and were desirous to know how many were killed on each side. Joseph Beatty and Enoch Gilmer were appointed for that purpose of counting. They reported that 248 British and Tories were killed, and that 143 Whigs were killed. They gave no account of the wounded.

In the meantime Hugh Ewin, Andrew Barry and Nathaniel Cook brought their horses and mine; put me on my horse, but could not take my gun. We rode over the battle-grounds: saw in some places the dead lay thick, and other places thin. We went about five miles from the battle-ground, and staid for the night. My wounds pained me extremely. Sunday morning we started for home. When we came to the South Fork, the waters were high, and my Company would not suffer me to ride the river, but took me across in a canoe, and hauled me home in a slide.

I continued in extreme pain, when my mother made a poultice of wet ashes, and applied it to my wounds. This gave me the first ease. On Monday morning by sunrise Hugh Ewin and Andrew Barry came to see me, and immediately after came several Neutralists, as they called themselves, but were really Tories, to hear the news about the battle, when the following dialogue took place between Ewin and Barry on one part, and the Tories on the other:

Tory. Is it certain that Colonel Fergusson is killed, and his army defeated and taken prisoners?

E. and B. It is certain, for we saw Fergusson after he was dead, and his army prisoners.

Tory. How many men had Colonel Fergusson?

E. and B. Nearly 1,200, but not quite 1,200.

Tory. Where did they get men enough to defeat him?





E. and B. They had the South Carolina and Georgia Refugees, Colonel Graham's men, some from Virginia, some from the head of the Yadkin, some from the head of the Catawba, some from over the mountains, and some from everywhere else.

Tory. Tell us how it happened, and all about it.

E. and B. We met at Gilbert Town, and found that the foot troops could not overtake Ferguson, and we took between six and seven hundred horsemen, leaving as many or more footmen to follow; and we overtook Ferguson at King's Mountain, where we surrounded and defeated him.

Tory. Ah! That won't do. Between six and seven hundred to surround nearly 1,200. It would take more than 2,000 to surround and take Colonel Ferguson.

E. and B. But we were all of us blue hen's chickens.

Tory. There must have been of your foot and horse in all over 4,000. We see what you are about, that is to catch Lord Cornwallis napping.

Thus ended the dialogue, not more than two hours after sunrise on Monday; and the Neutralists or Tories immediately departed. It was reported that they immediately swam a horse across the Catawba river by the side of a canoe (the Catawba was much higher than the South Fork), and gave Lord Cornwallis the news of Ferguson's defeat.

Before my wounds were well, I went to Charlotte, and after Cornwallis had left it, where I met a David Knox, a brother or near relative of James Knox, the grandfather of President Polk, who gave me the following information, to-wit: That on Monday next after Ferguson's defeat, he, Knox, being a prisoner in the street in Charlotte, that an officer came to the officer of the guard, and the following dialogue took place:

The first officer said to the officer of the guard, Did you hear the news?

Officer of Guard. No, what news?

First Officer. Colonel Ferguson is killed, and his whole army defeated and taken prisoners.



Officer of Guard. How can that be—where did the men come from to do that?

First Officer. Some of them were South Carolina and Georgia Refugees, some from Virginia, some from the head of the Yadkin, some from the head of Catawba, some from over the mountains, and some from everywhere else. They met at Gilbert Town, about 2,000 desperadoes on horseback, calling themselves blue hen's chickens, started in pursuit of Fergusson, leaving as many footmen to follow. They overtook Colonel Fergusson at a place called King's Mountain; there they killed Colonel Fergusson, after surrounding his army, defeated them and took them prisoners.

Officer of Guard. Can this be true?

First Officer. As true as the gospel, and we may look out for breakers.

Officer of Guard. God bless us!

Whereupon David Knox jumped on a pile of fire-wood in the street, slapped his hands and thighs, and crowed like a cock, exclaiming, "*Day is at hand!*" Hence he was called *Peter's Cock*—having some analogy to the crowing of the cock when Peter denied his Lord the third time.

It was generally considered about Charlotte and elsewhere, that this exaggerated account, given by the Neutralists, of Colonel Campbell's army, foot and horse, at 4,000, which carried a strong air of plausibility with it, was the reason why Lord Cornwallis immediately left Charlotte in the night, after the waters were passible, and did not stop day nor night until he met General Leslie at or near Winnsborough.

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NOTE.—Carefully transcribed from the original manuscript in Robert Henry's handwriting, sent me by mail for the purpose by Dr. J. F. E. Hardy, of Asheville, N. C., January 26th, 27th, 28th and early the 29th, 1874.—*L. C. Draper.*

This copy is taken from the Draper MS., as may be seen from the above, sent me by Judge D. Schenck, of Greensboro, N. C., for that purpose, copied January 31st, February 1st, 2d and 4th, 1898, by Jas. T. Henry, a grandson of Robert Henry, at "Trinity Park."





## WILLIAM W. HOLDEN.

BY W. K. BOYD.

## PART III.—RECONSTRUCTION TO CANBY CONSTITUTION.

The series of events that followed the surrender of the Confederate army are so closely interwoven with the legal and constitutional development of the Nation as well as with that of the South, that a concise and adequate view of the period embracing the years 1865 to 1870 is the most tantalizing task that a student of American institutions might undertake. In this discussion no claim is made to present a final estimate of Reconstruction, State or National. Only those facts will be discussed that are more or less reflected in the life of Mr. Holden, facts that demand the consideration of every dispassionate enquirer into North Carolina's contribution to the progress of the Nation. But in the beginning may the reader pardon one criticism upon the popular conception of the period about to be discussed? Nearly every one who has spoken or written of these years of trial has portrayed them in the very darkest colors, attributed to them not a few evils of the present, imaginary and otherwise. The sins of "carpet-baggers," "scallawags" and "radical misrule" and the offenses of the ignorant freedmen are unfortunately still the themes of as bitter partisanship as ever graced the campaign of 1876. Shall we ever be free from "the weariness, the fever, and the fret" of the dark days of Reconstruction?

The mistake has been and yet is, that the problem of Reconstruction was not so much one of social equality of the Caucasian with an inferior race, but the paramount issues were constitutional. While legislators were devoting time and talent to the legal and constitutional reconstruction of the Union, the attention of the multitude was turned to the status of the emancipated slave. In many instances strife and crime were precipitated by the unprin-



cipld office-seeker or the well meaning but ignorant descendants of abolition. At least an insane disdain and hatred for everything black "from Touissant to the Devil" culminated in the Ku Klux outrages. These secret clans organized for mutual protection from criminals in localities where the civil authority was too weak to be effective, finally developed into a political organization for the suppression of the new suffragers. It was forgotten that questions of "social equality," questions which deal with humanity in the concrete, "make problem not for head but heart." Consequently the restoration of the Southern States to their sovereignty was delayed. Before a relation of events in North Carolina during this period, some consideration must be given to the attitude of the law makers of the Nation toward the States that were to be re-admitted to the Union.

The problems connected with the restoration of the Union to its former dimensions were the most serious that ever claimed the attention of Congress. It is no wonder then that those entrusted to the task should hold conflicting opinions as to the work in hand. Briefly stated, two theories demanded the attention of Congress. One may be called the "restoration" theory, its genesis was in the mind of Lincoln—the other, that of "reconstruction," a conception of existing conditions held exclusively by the President's opponents. So the issue of the time, from a standpoint of legislation, was one of administration and executive supremacy, Congress or the President? The central point in the struggle was the status of the seceding States, and the history of Reconstruction may be said to begin with Lincoln's inaugural. All eyes were directed to the President-elect and his position regarding the affected States. The only expression on the question of the hour in his address was as follows:\*

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\*For facts concerning Congressional Debates, the author is indebted to S. S. Cox's "Three Decades of Federal Legislation," and E. G. White's "Reconstruction During the Civil War."





"It follows from these views that no State, upon its own mere notion, can lawfully get out of the Union; that resolves and ordinances to that effect are legally void; and that acts of violence, within any State or States, against the authority of the United States, are insurrectory or revolutionary, according to circumstances. I therefore consider that in view of the Constitution and the laws, the union is unbroken."

The President's notion was then, that a seceding State was yet in the Union. "Once in the Union, always in." But the Union's attitude in case of rebellion was not stated.

At first Lincoln was given entire support in his conduct toward the South and also in his views as to a State's relation to the Union. But harmony did not long remain. The first evidence of division of opinion was on July 22, 1861, when Representative Crittenden introduced the following resolution:

"That the present deplorable civil war has been forced upon the country by the dis-unionists of the Southern States, now in arms against the constitutional government and in arms around the capitol; that in the National emergency, congress, banishing all feelings of mere passion or resentment, will recollect only its duty to the whole country; that this war is not waged on our part in any spirit of oppression or for any purpose of conquest or subjugation, or purpose of overthrowing or interfering with the rights or established institutions of those States, but to defend and maintain the supremacy of the constitution, and to preserve the Union with all its dignity, equality, and rights of the several States unimpaired; and that as soon as these objects are accomplished the war ought to cease."

This resolution passed with only two dissenting votes. A few days later Andrew Johnson introduced a similar resolution in the Senate. It was adopted. But on December 4, less than five months later, the resolution was again offered in the House and was tabled, the vote standing seventy-one ayes and sixty-five nays. At the same time Charles Sumner introduced in the Senate a resolution declaring that:

"Any vote of Secession or other act by which any State may undertake to put an end to the supremacy of the Constitution within its territory, is inoperative and void against the Constitution and when maintained by force it becomes a practical abdication by the State of all rights under the Constitution while the treason which it involves still further works an instant forfeiture of all those functions and powers essential to the contin-





ued existence of the State as a body politic. So that from that time forward the territory falls under the exclusive jurisdiction of Congress as other territory, and the State being, according to the language of the law, *felo-da se*, ceases to exist."

Although no action was taken upon this resolution, it foreshadows the future policy of Congress, executed with martial force. The lines were being drawn. Congress was falling into a mood foreshadowed by Thaddeus Stevens when he said :

"Mr. Speaker, I thought the time had come when the laws of war were to govern our action: when constitutions, if they stood in the way of the laws of war in dealing with the enemy, had no right to interfere." (Aug. 2, 1861.)

It is impossible here to trace the growth of that spirit that caused Congress to ignore the indestructibility of the State. It was due to the unusual authorities exercised by Congress during the war, the numerous appropriations and confiscation bills, the border State issues, and the thousand and one questions involved in military operations. Perhaps one of the most important of these influences was the emancipation of slaves, an act that transcended many constitutional technicalities. In January, 1863, Thaddeus Stevens in prophetic words portrayed the future policy of Congress :

"I desire to say," he said, "that I know perfectly well . . . I do not speak the sentiments of this side of the House as a party. I know more than that; that for the last fifteen years I have always been a step ahead of the party I have acted with in these matters; but I have never been so far ahead, with the exception of the principles I now enunciate, but that the members of the party have overtaken me and gone ahead: and they will again overtake me, and go with me, before this infamous and bloody revolution is ended. They will find that they cannot execute the Constitution in the seceding States, that it is a total nullity there, and that this war must be carried on upon principles wholly independent of it. They will come to the conclusion that the adoption of the measures I advocated at the outset of the war, the arming of the negroes, the slaves of the rebels, is the only way left on earth in which these rebels can be exterminated. They will find that they must treat those States now outside of the Union as conquered provinces and settle them with new men, and drive the present rebels as exiles from this country: for I tell you they have the pluck



and endurance for which I gave them credit a year and a half ago, in this side of the House, nor by the people in the free States. They have such determination, energy and endurance that nothing but actual extermination or exile or starvation will ever induce them to surrender to this government. I do not now ask gentlemen to endorse my views, nor do I speak for anybody but myself; but in order that I may have some credit for sagacity, I ask that gentlemen will write this down in their memories. It will not be two years before they call it up, or before they will adopt my views, or adopt the other alternative of a disgraceful submission by this side of the country."

Another doctrine of the supporters of the Congressional policy was the centralization of authority in Congress. In a debate on the confiscation of rebel property, Mr. Morrill of Maine noted that the Nation was in general hostility and that it had the power of defense. He then enquired in what particular department of the government this authority was vested. The answer, he declared, to be in Congress itself.

"In the contingency of actual hostilities the nation assumes a new and extraordinary character, involving new relations and conferring new rights, imposing extraordinary obligations on the citizens, and subjecting them to extraordinary penalties. There is then, no limit on the power of Congress; but it is invested with the absolute powers of war—the civil functions of the government are, for the time being, in abeyance when in conflict, and all state and national authority subordinated to the extreme authority of Congress, as the supreme power, in the peril of external or internal hostilities. The ordinary provisions of the Constitution peculiar to a State of peace, and all laws and municipal regulations, must yield to the force of moral law, as resolved by Congress."

This utterance was revolutionary for it demanded a path of action over a prostrate constitution but that had already been taken by the seceding States.

All the combined hosts of the opposition, however, could not prevail on the President, whose views were safely entrenched behind his wonderful personality. His message of December 8, 1863, contained the first formulated plan for reconstruction. The policy of this message provided for a general amnesty except in the following cases—all who deserted judicial positions or seats in Congress or posts in the army and navy to join the Confederacy—





also all officers in the Confederate army above the rank of colonel or lieutenant in the navy and all of any grade who maltreated colored or white prisoners. With this introduction, Mr. Lincoln proceeded to set forth his plan of restoration.

"Whenever, in any of the eleven States in rebellion, a number of persons not less than one-tenth of the number of votes cast in such State at the Presidential election of the year of our Lord one thousand eight hundred and sixty, each having taken the oath aforesaid (the amnesty oath), and not having since violated it, and being a qualified voter by the election law of the State existing immediately before the so-called act of secession, and excluding all others, shall re-establish a State government, which shall be republican, and in no wise contravening said oath, such shall be recognized as the true government of the State, and the State shall receive thereunder the benefits of the constitutional provision which declares that 'the United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the Legislature, or the executive (when the Legislature cannot be convened) against violence'"

In the House that part of the message dealing with the the duty of the United States to guarantee a republican government to those States where the constitution was overthrown, was referred to a committee. Its report was adopted by a majority of eight, another evidence of the conflicting opinions on reconstruction in the House. The outline of the bill was as follows, as related by Cox, "Three Decades of Federal Legislation," p. 339:

"The President was authorized to appoint a provisional Governor for each of the States declared in rebellion, with the pay and emoluments of a Brigadier-General. He was to be charged with the civil administration until a State government should be recognized. The Governors were to direct the United States Marshals to enroll all the white male citizens of the United States resident within the respective States as soon as the insurrection should be suppressed, and whenever a majority of them should take the oath of allegiance. The loyal people thus to be ascertained were authorized to elect delegates to conventions for the purpose of re-establishing the State governments. Qualified voters in the United States Army were allowed to vote in camps. No person who had held or exercised any civil or military office (except offices ministerial, and military offices below the grade of Colonel), State or Confederate, created by the usurping power, was to be recognized or paid by the State. The constitutions framed by



the conventions of the several States were to be ratified by the people and reported to the President, who would lay them before Congress; and upon their approval by that body, the President would make proclamation recognizing the governments so established, and none others; whereupon the people might proceed to the election of members of Congress, and exercise all other functions of co-equal States. In the mean time the Governor would enforce the laws of the Union and of the particular State, as they existed before the rebellion, except as regards slavery."

In the Senate the bill was passed with two amendments, one fixing the salary of provisional Governor at \$3,000 per annum, the other striking out the word "white" where it occurred in defining the qualifications of voters and office-holders. Mr. Brown offered a substitute depriving the people of the rebellious States of the right to elect Senators and representatives to Congress and Presidential electors until the rebellion should be suppressed and the return of the States be recognized by the President. This was accepted and the bill passed its final reading. There was some hitch when the measure reached the House, but it finally passed both House and Senate. In the main it conformed with Mr. Lincoln's plans. But he rejected it because its provisions would have necessitated the overthrow of the inchoate State governments established according to Presidential plans and proclamations in Arkansas and Louisiana. This action of President Lincoln was seriously considered. Senators Davis and Wade charged him with perpetrating:

"A studied outrage upon the legislative authority of the people."

Also:

"If electors for President be allowed to be chosen in either of those States, a sinister light will be cast on the motives which induced the President to hold for naught the will of Congress, rather than his government in Louisiana and Arkansas."

On January 30, 1865, a resolution passed both the House and Senate and received the signature of the President which refused to accept any electoral votes from the States in insurrection. Applications were made for the admis-





sion of Senators from Louisiana, Tennessee and Arkansas, but they were continued until the next session.

Just four days before his assassination, Mr. Lincoln made the following statement concerning Reconstruction—among the very last words addressed to the public by him. Throughout his career he had foreborne to make any statement of his views on the status of the seceding States—the very question that was the key to all the debates in Congress on Union attitude toward the Confederacy.

“As appears to me,” he said, “that question has not been, nor yet is, a practically material one, and any discussion of it, while it thus remains practically immaterial, could have no effect other than the mischievous one of dividing our friends. As yet, whatever it may hereafter become, that question is bad, as the basis of a controversy, and good for nothing at all—a merely pernicious abstraction. We all agree that that the seceded States, so-called, are out of their proper practical relation with the Union, and that the sole object of the government, civil and military, in regard to those States, is to again get them in that proper political relation. I believe it is not only possible, but in fact, easier to do this without deciding, or even considering, whether these States have ever been out of the Union, than with it. Finding themselves safely at home, it would be utterly immaterial whether they had ever been abroad.”

The death of President Lincoln was of the most serious import to the peaceful restoration of the seceded States. His attitude toward the subject States was most friendly as well as most watchful. Foreseeing the difficulties that should follow the admission of an ignorant people to full citizenship, he suggested in his amnesty proclamation that the Southern States be allowed to institute a guardianship for the negro. Thaddeus Stevens proposed that the South be held under military rule for ten years until the negro might be educated to take an equal civil position with the white. To Lincoln's death may be attributed the frauds of the Freedman's Bureau and many other evils that marked the administration of far inferior successors.

Andrew Johnson, Mr. Lincoln's successor, though a native Southerner, pursued a far less liberal policy toward the South. Though he in the main followed the outlines





of his predecessor's policy and opposed the radical views of Congress, his amnesty conditions were more stringent than those of Lincoln. In addition to the classes excepted in Lincoln's proclamation, Johnson excluded the following:

"All officers who had resigned or tendered resignations of their commissions in the army or navy of the United States, to evade duty in resisting rebellion. All persons who had been or were then, absentees from the United States for the purpose of aiding the rebellion. All military or naval officers in the rebel service who were educated by the Government in the military academy at West Point, or the United States Military Academy. All persons who had the pretended offices of governors of States in insurrection against the United States. All persons who had left their homes within the jurisdiction and protection of the United States, and passed beyond the Federal military lines into the pretended Confederate States for the purpose of aiding the rebellion. All persons who had been engaged in the destruction of the commerce of the United States upon the high seas. All persons who had made raids into the United States from Canada, or been engaged in destroying the commerce of the United States upon the lakes and rivers that separate the British provinces from the United States. All persons who at the time might seek to obtain the benefits of the amnesty by taking the oath presented in the proclamation and were in military, naval, or civil confinement or custody, or under bonds of the civil, military or naval authorities or agents of the United States, or prisoners of war, or who were detained for offences of any kind, either before or after conviction. All persons who had voluntarily participated in the rebellion and the estimated value of whose taxable property was over twenty thousand dollars—and all persons who had taken the oath of amnesty as presented in the President's proclamation of December 8, 1863, or an oath of allegiance to the government of the United States since the date of that proclamation, and who did not keep and maintain the same inviolate." (Cox's "Three Deacons," p. 347.)

On May 29, 1865, the day of the Amnesty proclamation, President Johnson also stated his policy of reconstruction in another proclamation, a document closely related to the history of North Carolina, Mr. Johnson's native State. The constitutional grounds for his action are thus told:

"The fourth section of the fourth article of the Constitution of the United States declares that the United States shall guarantee to every State in the Union a republican form of government—and shall protect each of them against invasion and domestic violence; and, whereas, the President of the United States is by the Constitution made Commander-in-Chief of the army



and navy, as well as chief civil executive officer of the United States, and is bound by solemn oath faithfully to execute the office of President of the United States, and to take care that the laws be faithfully executed; and, whereas, the rebellion which has been waged by a portion of the people of the United States against the properly constituted authorities of the government thereof in the most violent and revolting form, but whose organized and armed forces have now been almost entirely overcome, has in its revolutionary progress deprived the people of North Carolina of civil government; and, whereas, it becomes necessary and proper to carry out and enforce the obligations of the United States to the people of North Carolina, in securing them in the enjoyment of a republican form of government; now, therefore, I, Andrew Johnson, President of the United States and Commander-in-Chief of the Army and Navy of the United States, do hereby appoint William W. Holden Provisional Governor of the State of North Carolina."

According to directions, Mr. Holden was to call a State convention at the earliest time practicable. The purpose of the convention was to amend and alter the State Constitution. No persons were eligible who might be included in the fourteen excepted classes of the Amnesty proclamation, and all voters must first take the oath of allegiance. Special applications for pardon by those under ban might be made through Mr. Holden. This was the first of a series of similar proclamations and appointments, and it may be said to end the first chapter in Reconstruction from the national point of view.

Let us now turn to events in North Carolina and study them as they relate to Mr. Holden's life.

In May, 1865, he tells us in his unpublished memoirs, he was summoned to Washington by President Johnson, who requested him to bring with him such other gentlemen as he might choose. Mr. Holden invited William S. Mason, R. P. Dick, John G. Williams, J. P. H. Russ and W. R. Richardson. These gentlemen, with the exception of Mr. Dick, who lived in Greensboro, resided in Raleigh. Others, representing different sections of the State, Mr. Holden would have summoned, but time would not permit, as his orders were imperative. Governors Swain and Vance, B. F. Moore and William Eaton were already in





Washington. When Mr. Holden arrived, President Johnson asked him to furnish names for appointment to offices in North Carolina. Mr. Holden's nominations were as follows: District Judge, Mr. Dick; District Attorney, Wm. L. Mason; Marshall, W. R. Richardson, and J. P. H. Russ, Postmaster of Raleigh. Dr. Robert Powell was appointed State Agent to represent North Carolina in Washington. Holden asked Mr. Powell what he thought would be done with the Confederate Governors. Mr. Powell replied that they would all be hanged. Holden answered that if that course were pursued, reconstruction would be impossible, that Vance had the same relation to North Carolina that Davis sustained to the entire South. In the mean time Governor Vance was a prisoner in Washington. Holden did not visit him in person, on account of their relations during the days of the Peace movement, but privately offered him his services. In July, when Holden had returned to the State, he received news of Mrs. Vance's serious illness. He at once telegraphed to Washington, asking that Governor Vance be released. In a few hours he received an answer, that Governor Vance was on his way home on parole.

In regard to the treatment of the more wealthy Southern planters, President Johnson told Holden that he expected to confiscate the estates of the large slave-holders who were traitors, and would divide the proceeds among the "wool hat boys" of the South, who fought for slavery against their will. Holden and Dick remonstrated. President Johnson acquiesced, but said: "Gentlemen, treason must be made odious, and coming generations ought to know it and profit by it."

At the request of President Johnson, all the North Carolina men in the city met him at an appointed time. During the meeting Governor Swain took Holden outside and asked him not to accept the Provisional Governorship. Holden thought that Governor Swain had apprehensions



for the University of which he was the President. Holden assured him that he was friendly to the institution, and need have no fears for its safety if he (Holden) received the appointment. "We had walked from the White House to a point overlooking the statue of General Jackson," says Mr. Holden, "and when we returned, as we did very slowly, to the ambassadors, where the President and his friends were, it was announced that I had been appointed Provisional Governor." This account of Mr. Holden's is important, for it discredits the popular opinion that North Carolina was not consulted in the appointment of Holden as Provisional Governor.

Having returned to North Carolina, the Provisional Governor at once entered upon the duties of his office. His duties were burdensome, for to him had been entrusted the work of reorganizing civil government, and all officers, from county sheriffs and constables to the highest State officials, were subject to his appointment. Robert W. Best was appointed Secretary of State; Jonathan Worth, Treasurer, and David H. Barnes, Edward J. Warren, Daniel G. Fowle, Ralph P. Buxton, Robert B. Gilliam, Edwin G. Read and Anderson Mitchell, Supreme Court Judges, and Sion H. Rogers, Attorney-General. Many of those who accepted offices and positions of trust from Mr. Holden, were later his political opponents and enemies.

Governor Holden has been for years accused of trying to place the negro on a plane of "social equality" with the white man. But an examination of his Inaugural Address fails to justify the charge. That part addressed to the negro was full of good counsel, but not a word could have the remotest kinship to "social equality."

"To the colored people of the State I would say, you are now free. It now remains for you, aided as you will be by the superior intelligence of the white people and cheered by the sympathies of all good people, to decide whether the freedom thus suddenly bestowed upon you will be a blessing to you or a source of injury. Your race has been depressed by





your condition of slavery and by the legislation of your former masters for two hundred years. It is not to be expected that you can soon comprehend and appreciate as they should be comprehended and appreciated by a self-governing people, the wise provisions and limitations of the constitution and laws

But you are free, in common with all our people, and you have the same right, regulated by law, that others have, to enter upon the pursuit of prosperity and happiness. You should henceforth sacredly observe the marriage relation and you should provide for your offspring.

But to be prosperous and happy you must labor, not merely when you feel like it or for a scanty support, but industriously and steadily, with a view to making and laying up something for your families. . . . The same Providence that has bestowed freedom upon you, has told you that diligence in business is required of all His creatures, and you cannot expect that your race will escape ultimate extinction if you wilfully violate or disregard this, one of His great commandments

I will see to it as far as I can, that you have your liberty; that you are protected in your property and persons; and that you are paid your wages, but on the other hand, I will set my face against those of you who are idle and dissipated, and prompt punishment will be inflicted for any breach of the peace or violation of the law.

It is my duty, as far as I can, to render the government 'a terror to evil doers and a praise to those that do well.' And this I will endeavor to do in relation to the whole people of the State of North Carolina, 'without fear, favor or affection, reward or the hope of reward.'"

One of the most delicate duties of Governor Holden was the endorsement of pardons. It was provided that those who were excluded from citizenship by the Amnesty proclamation might secure pardon. Applications must be made through the Provisional Governors of the States. Holden had won the enmity of all the old line Democrats by his action with the Peace party. Now many of these, as well as the survivors of the Whigs, were compelled to apply to him before their disabilities could be removed. It is not my intention to make the basis of this paper the unfortunate personal animosities that were so bitter during this period. But a few accounts of the issue of pardons from Governor Holden's private memoirs are valuable, if not necessary, for they are a sidelight on the political feelings of the time.

"I received every day a large number of applications for pardons, which I read carefully. I was the medium through





which these applications went to the President, and my duty was to mark them granted, postponed or rejected, not that I did that, but they were thus marked for the President. It was for him to grant them, postpone or reject them. During my term of seven months about twelve hundred pardons were thus obtained from the President. I asked him during all of this time to reject only four. Some were postponed, and some were granted.

“About the middle of my term, in August, ex-Governor Graham came to Raleigh. I was sick at the time and confined to my house, and did not see him. He filed in my office his application for pardon, addressed to the President. When I got back to my office I read his application carefully, and was pleased with it. It was an able and truthful paper. I raised up from my place in the office and approached Maj. Bagley, who was pardon clerk, and asked him to endorse ex-Governor Graham's paper, his pardon to be granted by the President at once. Colonel Cannon, one of my aides, who was standing by, said to me, “Governor, have you seen the New York *Herald* of this morning?” I said “No, what of it?” He said, “The *Herald* says that Governor Graham has been pardoned already, and you are engaged in pardoning a great many unpardoned rebels. I would advise you to send on the paper and mark it ‘continued,’ and in a few weeks see the President and ask him to send the pardon.” Col. Cannon and Maj. Bagley were both old line Whigs, or had been, and both devoted friends to Governor Graham, as I was. I took his advice and continued his case. They advised me to pursue this course and not grant the pardon immediately, lest the Radicals North should complain and lose confidence in the President.

“In the course of a week or so, being still feeble on account of my hard labor, I went to Kedrick Springs and there saw Mr. Don Webb. In the course of a conversation with him, I said, “I hope ex-Governor Graham will soon have



his pardon, and that he can enter public life and be of great service to us." On my return to Raleigh, I found that he had written a communication in the *Hillsboro Recorder* assailing the constitutionality of Congress. The communication referred to was published in the *Hillsboro Recorder* and *Raleigh Sentinel*, and of course, excited attention. We were then under military rule and it was not therefore proper that an unpardoned person asking for pardon should write in that way over his own name.

"Meanwhile, the Hon. Josiah Turner called on me at my office and had a long and warm conversation with me in regard to his pardon and that of ex-Governor Graham. I told Mr. Turner I could not tell him what endorsement I had made on his application, or that of Governor Graham. They were both leading public men, and it was not my habit to give information of that kind, but would tell him of one case of a private citizen and of what I had done. I said, "The summer you wrote your father's application for a pardon he owned a large amount of lands. He was no doubt apprehensive that it might be confiscated. You made him say that if he had been a young man he would have shouldered his musket and fought for the South. I feared that this expression might move the President to refuse his pardon, whereupon I wrote a note of it that your father was an old man and had been a Henry Clay Whig, and that the President might overlook the expression and send the pardon. I received the pardon by return mail and sent it to your father at Hillsboro. I found it impossible to satisfy Mr. Turner, and he left my office evidently unsatisfied. About this time Mr. Turner made a speech in Raleigh. I did not hear him. The speech was said to be against me and my policy of Reconstruction. Under all these circumstances it was not to be reasonably expected that I would at that time write to the President to forward either of these pardons. I had the greatest respect for Governor Graham and did not intend





to be in the way of his pardon. If he could have come to Raleigh and the whole matter explained between us, I would no doubt have written to the President and obtained his pardon.

“An old and esteemed friend of mine, now dead, Council Wooten, of Lenoir county, called on me several times for his pardon. I put him off, but having heard at last from his friends and neighbors in relation to his application and merits, I obtained his pardon. I will make this statement also in relation to Governor Bragg. I had marked his application to be continued as Governor Graham’s was marked. The package containing a number of pardons was received in my office by express, and Colonel Cannon opened it and much to his surprise found Governor Bragg’s pardon. He said, “You marked this application to be continued.” I said, “I did.” He then removed it and put it in my drawer in my room. In a few days Governor Bragg called for his pardon. The clerks in the office of the Private Secretary said it was not there. In a few days Dr. Powell, State Agent, who handed these pardons, came to Raleigh and asked for Governor Bragg’s pardon. I told him the facts. He told me that the President told him the pardon had been received and I might just as well give it to Governor Bragg. Dr. Powell then said he did not know that it was Governor Bragg’s, but thought it was plain Thomas Bragg. I told him I was not disposed to treat Governor Bragg unkindly, but he had not been to see me since I was Governor, but if he would call on me as I returned from the office, I would hand him his pardon myself. Governor Bragg called in that day, 29th December, 1865, and I handed him his pardon.\*

“One day toward the close of my term, Col. Tod R. Caldwell, who had lately been to Hillsboro, said to me that Mr. P. C. Cameron was much concerned about his

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\*NOTE.—Governors Bragg and Graham were two of the prosecutors in Governor Holden’s impeachment.



application for a pardon. I told Col. Caldwell that the President was not disposed to favor applications for conspicuous persons who had been engaged in the rebellion. I could not therefore recommend Mr. Cameron's pardon just then. He said that Mr. Cameron was in town and out in the passage in the Capitol. He said that he was in attendance at the Episcopal Conference. I asked him to request Mr. Cameron to come in. He did so, and I received him very politely indeed. I told him what I had just said to Col. Caldwell, and furthermore I had no apprehension of the confiscation of the property. This did not seem to satisfy him, and I at last said, "Mr. Cameron, I will obtain your pardon from the President." He seemed very glad at what I had said, and said to me, "Governor, please bear in mind that my father-in-law, Judge Ruffin wishes to know before he dies, how much he is worth. I replied, "Mr. Cameron, I am glad you have mentioned Judge Ruffin. He and Governor Morehead stood in the Peace Congress like rocks in the Union. I will see your application to-day," and at the same time asked the President to send pardon to Judge Ruffin and Governor Morehead. I have no doubt that the pardons of Judge Ruffin, Governor Morehead and Colonel Cameron were all granted and sent. It affords me pleasure to be the humble servant through which they were obtained. There were two persons possessed of large means, who obtained their pardons from the President directly, when I had not consented to it, and the President, when informed of the fact, telegraphed me advising me to tax each one of these persons for thus obtaining their pardons, \$10,000 each by way of punishment, which, of course, I declined to do. . . .

"I was robust and in good health when I entered on my duties, but at the end of them I was thin and shallow and and weak, so intensely had I labored as I thought for North Carolina."

For his expenses and services Governor Holden received





seven thousand dollars. This was carefully and economically expended, many minor contingencies of the executive office being paid for out of the Governor's private purse. He also induced President Johnson to turn over to the State the remains of its war property, valued at one hundred and fifty thousand dollars. This was done for no other State. President Johnson was also influenced to suspend the Federal land tax in Guilford county. When Governor Holden retired, there was a surplus of forty thousand dollars in the State Treasury.

In the mean time, a State convention had been called by Governor Holden. It met in Raleigh, October 2, 1865. The ordinance of secession was repealed, slavery prohibited and its acts were ratified by a popular vote. In the plans of President Johnson, the State was now ready to govern itself. An election was ordered. The candidates for Governor were Holden and Worth, the State Treasurer. Neither took an active part in the campaign. Mr. Worth was elected by a large majority. This was regarded as a reaction against the Union and President Johnson sent the following letter to Governor Holden:

*Hon. W. W. Holden, Provisional Governor:*

Accept my thanks for the valuable and efficient manner in which you have discharged your duty as Provisional Governor. You will be sustained by the Government.

The results of the recent election in North Carolina have greatly damaged the prospects of the State in the restoration of its governmental relations. Should the action and spirit of the Legislature be in the same direction, it will greatly increase the mischief already done and might be fatal.

It is hoped the action and spirit manifested by the Legislature will be so directed, as rather to repair than increase the difficulties under which the State has already placed itself.

ANDREW JOHNSON,  
President United States.





## PART IV.—RECONSTRUCTION TO CANBY CONSTITUTION.

The omens of peril in President Johnson's letter were prophetic and soon to be fulfilled. The defeat of the Union candidates in North Carolina and other Southern States was sufficient to give a hostile tendency to the relations of Congress to the States to be restored to the Union. This tendency was precipitated into a fixed policy by the actions of the Southern Legislatures. In certain States laws were passed that classed as vagrants all negroes who refused to work for prescribed wages. Many minor offences were to be punished by fine, and if the fine were not paid, the offending negro was worked out by process of law. An apprentice system was in some States adopted which considered the negro bound to service until a certain age. Some such laws seemed necessary to the Southern law-makers to regulate the liberated slave. But when complaints were filed at Washington, Congress was alarmed and regarded these laws as wilful and direct violations of the freedom of the negro.

The first step in retaliation was the refusal to admit Southern Congressmen until Congress should declare them entitled to represent their States. Then the Fourteenth Amendment was adopted, which declared all "persons born or naturalized in the United States and subject to the jurisdiction thereof," citizens of the United States and of the States where they resided. In other words, the negro was granted the right to vote and placed on an equal civil basis with the white race. The Amendment also excluded prominent Confederates from Federal offices until pardoned by Congress, and invalidated the Confederate war debts. This Amendment must be ratified in each Southern State before its government should be recognized by Congress. At the same time a committee reported that the governments in the Southern States were practically suspended and that those States could not be re-instated in the Union until they should give pledges of their loyalty. This vir-



tually ignored President Johnson's plans of restoration. It was a challenge by Congress. He accepted the issue. From this time on the fight between Congress and the Executive was open and bitter. It culminated in the impeachment of President Johnson and, says Mr. Dunning, "the single vote by which Andrew Johnson escaped conviction, marks the narrow margin by which the presidential element in our system escaped destruction."\*

In October the Southern States began to reject the Fourteenth Amendment. This prepared the way for the famous Reconstruction Act of March, 1867. Under the provisions of this law the Southern States, with the exception of Tennessee, which had been recognized, were divided into five military districts, whose commanders were to be appointed by the President. These commanders were to enroll in each state all male citizens of one year's residence not disqualified to vote by crime or the Fourteenth Amendment. These citizens were to elect members for State conventions. These conventions were to extend the franchise to all classes permitted to vote for the convention and form constitutions. These constitutions were to be submitted to Congress, and if approved the States were admitted to representation and declared in the Union, provided the first General Assembly meeting after the adoption of the Constitution should endorse the Fourteenth Amendment.

This, briefly, is an outline of the Congressional plan of Reconstruction. An extended examination of all its relations to Southern history, and especially to that of North Carolina, is here impossible. That is a work greater than the limits of these papers allow, a work much needed, as yet undone. A volume might be written on phases of Reconstruction in North Carolina and as much be left unsaid. As time and space are passing, only those topics

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\*Studies in Civil War and Reconstruction.—*W. A. Dunning.*





that relate most intimately to Governor Holden's policy will be discussed.

General Daniel E. Sickles was appointed Commander of the Second Military District, composed of North and South Carolina. His headquarters were Charleston. On the day he assumed command, March 21, 1867, he issued a proclamation in sympathy with the principles of the Reconstruction Acts. The government of North Carolina was declared provisional and subject to Congress. Local laws were allowed to be enforced when not contrary to the Union, and cases of neglect of civil officers were to be reported to the Commander. In April, General Sickles removed two policemen in Wilmington for lack of discretion in making arrests and violence in discharging their duties. This and similar acts by other commanders caused the Attorney-General to publish an opinion that the Reconstruction Acts did not give the commanders power to supersede the civil law. General Sickles regarded this as an impeachment of his administration and resigned. His resignation was not accepted. Next he forbade Sheriffs to execute civil process in the sale of property. In North Carolina the Sheriff was about to disobey the order, when he was stopped by special order of Sickles. Finally the case was appealed to the Supreme Court of the United States, and Chief Justice Chase decided that "the military authority does not extend in any respect to the courts of the United States." General Sickles in the meantime ordered a registration of voters as required by Congress. Before the plans of Congress could be carried out, General Sickles was removed and General Canby was appointed commander.\* Under his administration voters registered, the members of the convention were elected, the first instance of negro suffrage in North Carolina, the Fourteenth Amendment was adopted, and a new Constitution was framed, which

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\*"Three Decades of Federal Legislation."—Cor.



was called the "Canby Constitution." This began a reorganization of the State government according to the provisions of the new Constitution. In 1868 elections were held and, as the negroes went to the poles, seven Representatives were sent to Congress who belonged to the Union or Republican party. The Governorship was from this time on a four years' office. The candidates were Thomas Ashe, Democrat, and Holden, supported by the Republicans. Holden was elected by over eighteen thousand majority. Thus was kept the vow made by the chilled newsboy a quarter-century before. The well educated, finely clothed young man who had condescended to butter a biscuit for an apprentice no doubt keenly felt the irony of fate, when the election returns were published and approved by General Canby. Let us review briefly the political career of the Governor-elect.

Born in obscurity, by perseverance and industry he gradually rose to some local prominence in old Whig circles. When his brethren in Whiggery were unaware, he joined the Democrats, and in a few years became one of the leaders in the Free Suffrage campaigns which struck the death blow to the supremacy of the old aristocracy. An elderly lady whose mind is ripe with the memories of our ante bellum history, says that his alliance with the "scalawag Democrats" lost for him social recognition in Whig circles. He was ostracised by the professed leaders of North Carolina's "blue veins." How much more bitter must that ostracism have become in the days of Free Suffrage agitation! An ardent admirer of Calhoun, those who knew Holden's influence as "one who could kill and make alive," declare that he was the strongest State's-right man in Carolina. His lines on the death of Calhoun must be be classed with the best poems written in the State. Then his views changed. He became a Union-Douglas Democrat and stood for the Union till the last, and finally signed the Ordinance of Secession. He was reconciled to many of





his old enemies, the best of relations were established with his old rivals, and then he joined the "Peace men," and opposed Vance and the continuation of the war. Old wounds were opened. When the war closed, it was the hope of the Southern leaders to reorganize and continue the State governments as they were in the days before Secession. What must have been the chagrin of the survivors of the old system in North Carolina when Holden, their arch enemy, who had so often supported and as often opposed them, was made Provisional Governor! They had been conquered, but they could not submit to all the dictates of the conqueror. Holden had been appointed Provisional Governor undoubtedly because of Johnson's sympathy for him. Both had begun life in similar circumstances and had worked to success slowly, but surely. Nothing was more natural than that Holden should be selected to represent the Union in the reorganization of civil authority just after the cessation of hostilities. Nothing was more natural than that those whose lives were so inextricably bound to the legends of former days, should rise and defeat him who dared disregard their traditions. When the monster does not down at their bidding, but is victorious in a popular election, all the discontent breaks forth in one demonstration of despair. This is the protest of Worth, the retiring Governor, which he presented to the Governor-elect when the keys to the Executive office were surrendered. It reads as follows:

STATE OF NORTH CAROLINA, EXECUTIVE DEPARTMENT,  
RALEIGH, July 1, 1868.

Gov. W. W. Holden, Raleigh, N. C.:

SIR:—Yesterday morning I was verbally notified by Chief Justice Pearson that in obedience to a telegram from General Canby, he would to-day, at 10 a. m., administer to you the oath required preliminary to your entering upon the discharge of the duties of *Civil Governor* of the State; and that, therefore, you would demand possession of my office.

I intimated to the Judge my opinion that such proceeding was premature, even under the Reconstruction legislation of Congress, and that I should probably decline to surrender the office to you.





At sundown, yesterday evening, I received from Colonel Williams, Commandant of this Military Post, an extract from the General Order No. 120, of General Canby, as follows:

HEADQUARTERS SECOND MILITARY DISTRICT,  
CHARLESTON, S. C., June 30, 1868.

General Order No. 120.

[EXTRACT.]

"To facilitate the organization of the new State governments, the following appointments are made: To be Governor of North Carolina, W. W. Holden *vice* Jonathan Worth, removed; to be Lieutenant-Governor of North Carolina, Tod. R. Caldwell, Lieutenant-Governor elect, to fill an original vacancy—to take effect July 1, 1868, on the meeting of the General Assembly of North Carolina."

I do not recognize the validity of the late election under which you, and those co-operating with you, claim to be invested with the Civil government of the State. You have no evidence of your election, save a certificate of a Major-General of the United States Army.

I regard all of you as, in effect, appointees of the Military power of the United States, and not as "deriving your powers from the consent of those you claim to govern." Knowing, however, that you are backed by military force here, which I could not resist if I would, I do not deem it necessary to offer a futile opposition, but vacate the office, without the ceremony of actual eviction, offering no further opposition than this my protest.

I would submit to actual expulsion in order to bring before the Supreme Court of the United States the question as to the constitutionality of the legislation under which you claim to be the rightful Governor of the State, if the past action of that tribunal furnished any hope of a speedy trial. I surrender the office to you under what I consider military duress, without stopping, as the occasion would well justify, to comment upon the singular coincidence, that the present State government is surrendered *as without legality*, to *him* whose own official sanction, but three years ago, *declared it valid*.

I am, very respectfully,

JONATHAN WORTH,  
Governor of North Carolina.

The opposition begun on the very day of the inaugural continued throughout the administration. The *Standard* was the organ of Governor Holden, and the *Sentinel*, edited by Josiah Turner, led the fight of the discontented enemies of the government. The partisanship of the press has lost the charm of the forties. The reader no longer catches the spirit of artless, almost juvenile enthusiasm, which gave to the most sarcastic editorials a tone of healthy humanism. One feels that the times have radically



changed. The fight is now one of life and death; he who once falls shall enter the conflict no more.

Only two phases of Governor Holden's administration will here be discussed. They are the famous Reconstruction Frauds and the Kirk Holden War against the Ku Klux. The former was the work of "carpet-baggers" and conscienceless citizens of the State. The latter was the harsh remedy for insubordination to civil authority as revealed in the Ku Klux outrages, and finally resulted in the impeachment of the Executive.

The frauds were connected with the issue of bonds. George W. Swepson, a banker and citizen of Raleigh, made the following statement to the Investigating Committee in 1871: As President of the Western Division of the Western North Carolina Railroad, he was desirous of securing the aid of the State in the construction of his road. The State promised to subscribe two-thirds of the stock for the construction of the road, provided the other third was raised by private subscription. The Company certified to the Board of Improvements that the necessary third had been raised. The Company then turned to the Legislature. Mr. Swepson was told by Littlefield and Dewesse, lobby lawyers, who had great influence with the Legislature, that the Company could not receive the appropriation without paying them ten per centum in kind of the appropriation. This was the amount charged to lobby through the claims of the Company. Mr. Swepson accepted the proposition, the Legislature issued bonds to the amount required, and Littlefield and Dewesse received \$241,000 for their services. The Chatham Railroad Company sold to Littlefield \$100,000 worth of stock on a credit of ninety days, when the bonds were worth sixty-five cents cash in New York. The President of the Wilmington and Tarboro Road paid \$10,000 for a charter. These are only a few of the many outrages committed. In the investigations no charges were preferred against Governor Holden.





Though the Legislature that issued the bonds has received a shadowy reputation, Holden's name is free from any illegal or dishonorable relation with the bonds. In 1876, in the *Weekly Constitution*, he makes the following statement:

"I solemnly declare that I never performed any act while Governor or signed my name with a view to reward or the hope of reward, and I never received a bribe from any one for any of my acts as Governor. . . . I had no veto power as Governor. I did not pass the bills to issue the bonds. I never appealed to any member of the Legislature to vote for these bills. The Presidents and Directors of the various Railways did not come to me for these bonds but to the Treasurer who had the bonds printed, and who first signed them and then turned them over to me to be signed, and to have the great seal of the State impressed upon them by my Private Secretary. I gave the bonds in strict accordance with law, for the issuing of all the bonds save the last batch \$6,666,000 to the Western Railroad. The authority to issue these bonds was devolved upon the treasurer in the last amended charter and he hesitated for two or three weeks as to whether he would order plates and have them printed; but I encouraged him to do it because I wanted the Western people to have those bonds, and I was willing to stretch the law a little to let them have them; and I will state furthermore that I believe the Treasurer was finally convinced that he could legally and properly issue these bonds, by an argument submitted to him by Hon. A. S. Merriman. One of Mr. Swepson's counsel. . . . And I will state further, that the Treasurer and myself could not decide to issue any bonds until we had gone before the Supreme Court in informal session and ascertained for them, distinctly and clearly, what bonds were constitutional and what were not."

If there could have been only evidence against Governor Holden in regard to the bonds, it would surely have been brought before the Senate in his Impeachment. But no charge was made at that time. Whatever may be said of his administration, he was far better than many of his colleagues who have tried to make him responsible in the eyes of the public for their many misdemeanors.

In regard to the Ku Klux in North Carolina, as well as in other Southern States, much has been written. The organization made its appearance in the State in 1867 and 1868, at the same time that the Reconstruction Acts went into effect. It may be regarded as a revolt against the new system. There were many reasons that demanded the



complete emancipation of the negro and made it necessary that that the race should have the right of suffrage. It is not my purpose to discuss these. But that the better class of the white race were excluded from citizenship while all of the freedmen were admitted without limitation, was unjust. Yet nothing else could have resulted from the general trend of events. The institution of the secret Klans may be considered a desperate but unwise and illegal resistance to the new political conditions that faced the Southern people. All restrictions for past offences have been removed but the problem is still existing and the temper with which the solution is sought will be the supreme test the fibre of the nation. In many sections a Ku Klux revival would not be impossible or unpopular. Shall this spirit dominate the relations of the two races, or shall one of charity and mutual sympathy control our actions?

Just as the Ku Klux was opposed to the methods of Reconstruction, the Union League was an association to support the laws and train the negro in the duties of citizenship. It was organized during the last days of the Confederacy. Holden was the President of the League until his election. He then severed his relations with the organization for he believed that no public officer should belong to any secret political order. The ritual of the League was full of officious ceremonies formulated to impress the members with the solemnity and dignity of the organization. The "emblems" were an altar, Bible Declaration of Independence, a Union Flag, Censer of Incense, Sword, Gavel, Ballot-box, and a sickle, shuttle or an anvil to represent industry. The pledge of membership was, "To obtain and perpetuate Freedom, Political equality and an individual Union, I pledge my life, my fortune, and my social honor. so help me God." The League was virtually an organization to support the Republican party. Whatever may be said of its workings, this fact distin-





guishes it from the Ku Klux. It was not an armed society; the Ku Klux was. The League seems to have caused no anxiety or disturbance among the whites until 1867, when, under the influence of the carpet-baggers, the members became insolent and in many cases committed offenses which were not punished by law. This, said General Forrest before the Congressional Committee on Investigation, caused the whites to organize the Ku Klux Klan.

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PART V.—SUPPRESSION OF THE KU KLUX—CONCLUSION.

The Ku Klux Klan, according to the testimony of David Schenck before the Congressional Committee on Investigation, was opposed in its very constitution to the Fourteenth Amendment. So the Klan appeared in North Carolina as soon as the Reconstruction acts went into effect. Within three months after his inauguration, Governor Holden issued a Proclamation in which he stated that the government then in force was constitutionally established and warned the people of the sure results of any attempt to subvert the civil authority, and called on the magistrates and sheriffs to be faithful in the discharge of their duties. This address was of no avail. Negroes were whipped and disorder and demoralization were general. The Legislature which met early in 1869 enacted a law, "making the act of going masked, disguised or painted a felony." The governor issued another appeal, invoking public sentiment to unite with him in the suppression of the outrages. Neither the law nor the proclamation had any influence. In January, 1870, a bill passed the Legislature which authorized the Governor, "whenever in his judgment the civil authorities in any county are unable to protect its citizens in the enjoyment of life and property, to declare such county to be in a state of insurrection, and to call into active service the militia of the State to such an extent as may become necessary to suppress such insurrection; and





in such case the Governor is further authorized to call upon the President for such assistance, if any, as in his judgment may be necessary to enforce the law." This was called the Shoffner Act from T. M. Shoffner, of Alamance County, the member who introduced the bill. He brought upon himself the enmity of the Ku Klux Klan. The Ku Klux decided to hang him and send his body to Governor Holden. The assassins were on their way to execute the decree but were persuaded to return, as a Ku Klux friend of Shoffner's who knew of the plans had taken him to Greensboro. A short time after Shoffner left the State. Who the men were who started on the deadly mission has not been revealed. They were not Shoffner's neighbors, but came from a distance. The one who took him to Greensboro was Eli S. Eustis, a school teacher.

A short time after the passage of the Shoffner Bill, a band of fifty or more Ku Klux entered the town of Graham by night, went to the house of Wyatt Outlaw, colored, seized him, and hanged him to a tree in the public square near the court house. The only offence of the negro was that he belonged to the Republican party and was chief officer of the League at Graham. A half-witted colored man named Puryear professed to know the particulars of Outlaw's murder. In a few days he was missed and after several weeks his body was found in a mill pond with a rock tied to the neck.

Another outrage in Alamance was the whipping of Corliss, a school teacher. He seems to have belonged to that class of well-meaning Northern men who came South in the interests of the negro and humanity but lacked tact and common sense. For his associations with the negro he was severely scourged. Many other whippings occurred in Alamance county.

In Caswell County, from April to the middle of May 1870, twenty-one persons, white and colored, were whipped and scourged. Robin Jacobs, colored, was murdered in



May and in the same month John Walter Stevens, Republican Senator from Caswell, was murdered in the Court-house at Yanceyville, while a Democratic speaking was held in the same building. Mr. Stevens was the leader of his party in the county, a man of integrity and excellent ability. No excuse could be given for his assassination except his political affiliations. For a long time the Democrats declared that he was murdered by order of Holden and his friends, who were jealous of his influence among the negroes. Later investigations have proven, almost beyond a doubt, that the assassination was the work of the Ku Klux.

These are only a few of the many instances of murder and active violations of law in the State. By June 1870, thirteen persons had been murdered, twenty-two whipped and one shot who recovered. In no case were the offenders brought to justice. Solicitors and judges testified to Governor Holden that it was impossible to convict men charged with these crimes. The grand juries could find no true bills. The reasons for this were that the members of the Klan were sworn to protect each other and often members of the grand jury as well as the sheriffs were members of the society, and sentences passed by one local chapter or den were executed by another chapter. In this way a Klan in Alamance might order a negro to be whipped and the order would be executed by a Klan in some adjoining county or distant township.

About this time, Mr. John W. Norwood called on Governor Holden. In the conversation, Governor Holden intimated that if a number of prominent citizens in any county would recommend some one of influence to canvas the county in the interest of law and order and thereby persuade the Ku Klux to disband, he (the Governor) would appoint that one as a representative of the law and grant him a captain's commission. On March 5, 1870, J. W. Norwood, James Webb and Henry K. Nash and others





recommended Dr. Pride Jones, of Hillsboro, for this work in Orange. He was appointed and received the commission and pay of a captain in the United States Army. In Chatham, N. A. Ramsey received a similar commission. These gentlemen did great good in their counties. They assumed no military superiority, but went quietly through the counties examining the condition of the people, and succeeded in suppressing the Ku Klux outrages. That this policy worked so well in these counties may suggest the question, why a similar course was not pursued in Alamance and Caswell and other counties where disorder prevailed. The reason was that in Alamance and Caswell the Ku Klux were more numerous, many of the public officials were members of the Klan, and for one to know the agent of the Governor meant certain peril. At least no one was recommended or volunteered to do the work that Ramsey and Jones undertook in Chatham and Orange. No one, however much he may condemn Governor Holden's policy towards Alamance and Caswell, can fail to sympathize with him. There was no precedent for him to follow, and no one advised him or came to his help as friend or councillor except those of his own party. In 1876, he said :

"In the earnest and long protracted efforts which I made to put down these disorders without resort to military force—efforts extending from the day of my inauguration to the first of July 1870, thus covering a space of tow years—I wrote to many sheriffs, to some judges, to many military officers, to mayors of towns, to many private citizens, to our Senators and Representatives in Congress, to President Grant, asking them for advice and help in the unwelcome work devolved upon me of protecting the defenceless and unoffending against outrage and murder, and in putting down an insurrection which threatened the stability of all government, and the peace, if not the very existence of society. . . . No ex-Governor of the State called upon me to aid me by suggestions or advice in the midst of troubles that shook the very State. No minister of the blessed Lord dropped into my office or my house to pray for me, to restrain me by advice, or to sustain me by words of cheer in the dark and difficult path I felt bound to tread."

None of the proclamations of the Governor were of any influence in Alamance and Caswell. So on July 8, 1870,



in accordance with the provisions of the Shoffner Act, Governor Holden declared these counties to be in a state of insurrection. He then began the organization of the militia to invest the two counties. This was not done, as many have maintained, with any malice or ill-will. In fact Governor Holden's views were lenient when compared with those of some members of his party. Before the military organization was effected, Governor Holden held a conference with the leading men of the administration in his office. There were thirteen present, among them Richard Badger, John Pool, J. H. Harris (col.) and General Willie D. Jones. All agreed that the civil courts failed to suppress the Ku Klux and unless some action were taken at once, no Republican, white or black, could live in certain portions of the State. The military power was necessary. "Governor Holden," says Mr. Badger, "during most of the conference was a listener, and appeared to be anxious to hear suggestions. I sat near him during the entire conference and at every suggestion made by any person he appealed to me either by look, gesture or word, for my opinion in regard to it." Mr. Badger agreed that military occupation and arrests were necessary but maintained that the trials of the arrested should be by a civil, not military court. Mr. Pool said this would not accomplish the object and called attention to Governor Clayton, of Arkansas, who had occupied districts with militia, and tried and executed men and so had broken the Ku Klux in his State. Mr. Badger opposed this method and finally Mr. Pool agreed with him. Mr. Badger said that the writ of *habeas corpus* must not be disobeyed. Mr. Pool said that that was a bad policy, the *habeas corpus* should not be regarded, that if a person were cleared of one charge, he should immediately be arrested on another. Mr. Pool also suggested that D. McD Lindsay be made military commander, that he had been a pirate during the war, and told stories of his daring and cruelty. This was over-





ruled by the other members. Many other similar propositions were introduced in the discussions. "All of these suggestions with regard to using such violent means were objected to by Governor Holden," says Mr. Badger.

It was decided to organize two regiments of volunteers. Colonel Wm. J. Clark was given command of the First Regiment, with headquarters in Raleigh. The command of the Second Regiment was offered to Major W. W. Rollins, of Asheville. He declined, but suggested Colonel George W. Kirk. Colonel Kirk was then appointed, and at Kirk's request, one Bergen was made Lieutenant Colonel. Bergen and Kirk had fought with the Union Army during the last years of the war, and had won the usual reputation, merited or unmerited, of all Southern men who joined the Union cause. It is here impossible to go into details of the campaign that followed the famous Kirk-Holden war. No battles were fought, no blood was shed. It has been claimed that the Governor instituted the military organization in July in order that he might control the coming elections in August. Colonel James Boyd and Mr. W. R. Albright testified in the Impeachment that Governor Holden told them that in the military organization he cared not how the election went. His desire was to suppress the Ku Klux by any means, and any effort he might make would more than repay the labor required if thereby one more crime might be averted. In his memoirs Governor Holden says that he desired to commence military operations two months earlier, but that there were no funds in the treasury that could be used for that purpose, and as soon as D. A. Jenkins, the treasurer, notified him that there were sufficient funds at hand, he commenced the organization of the militia.

Kirk and Bergen raised about six hundred men. The militia law of the State was not strictly obeyed in the mustering, as the law required that negroes and white men be mustered in different regiments, and Kirk allowed





whites and negroes to serve in the same regiment. Many citizens were arrested, mostly at Graham and Company Shops. These were marched to Yanceyville and imprisoned. A. G. Moore and others appealed to Chief Justice Pearson for a writ of *habeas corpus*. This was granted by Pearson, but Kirk refused to obey, saying that the judiciary had "played out," and he held the prisoners under orders of the Governor. Pearson then wrote his opinion of the case, sent it to Governor Holden, saying that if the Executive chose to obey the writ, well; if not, nothing could be done—the power of the judiciary was exhausted and all responsibility for the prisoners rested with the Governor. He said he was following the example of Chief Justice Taney in Merriman's case in 1861. In that case General George Cadwalader, commander of Fort McHenry, refused to obey the *habeas corpus* writ. Chief Justice Taney ruled that Congress alone had the power to put aside the *habeas corpus*, but also said that he could do nothing with Cadwalader, as Cadwalader's power was too strong for him. The point in North Carolina was this, according to Pearson. The Legislature had given the Governor authority to declare counties in insurrection. The military was then more powerful than the civil officials. The military might obey the writ, but was not required so to do. The writ was, therefore, virtually suspended.

The prisoner then appealed to the United States District Judge, George W. Brooks. The Governor then asked President Grant to sustain his position. But the Federal authorities decided that Brooks could not refuse to issue the writ, and advised "that the State authorities yield to the United States judiciary." This subordinated the military to the civil power and virtually ended the campaign. The regiments were disbanded. But the serious state of affairs awakened the Ku Klux to their senses. The organization speedily disbanded.



In the meantime the elections had been held. Troops were sent to some counties to preserve order. The returns gave the Democrats a majority. In the winter of 1871 they met and decided to impeach the Governor for his conduct. The following charges were preferred:

Art. I. That the Governor, "unmindful of the high duties of his office" and "intending to stir up civil war, and subvert personal and public liberty," did, "of his own false, corrupt and wicked mind and purpose," declare the county of Alamance in insurrection, and by armed force made arrests. (The names of those arrested in Alamance are here given.)

Art. II. Same as above, in regard to Caswell.

Art. III. Arrest of Josiah Turner, of Orange, without any cause.

Art. IV. The arrest of certain citizens of Caswell by Kirk and Bergen, by orders of Governor.

Art. V. The arrest of A. G. Moore and refusal to obey writ of *habeas corpus* in his case.

Art. VI. Arrest of others and refusal to obey writ of *habeas corpus*.

Art. VII. Use of State funds to support the unlawful military organizations.

Art. VIII. The refusal to obey the writ of injunction issued at the instance of Richard M. Allison protesting against the use of the State's taxes in the military campaign.

A ninth article, charging the Governor with complicity in the Reconstruction frauds, was about to be introduced, but George W. Swepson telegraphed the members who had the drafting of the charges, that Governor Holden was innocent, and if they insisted on introducing the charge, he (Swepson) would come down from New York and testify in the Governor's favor. The charge was then dropped.

These articles were introduced in the Senate from the





House. The Senate organized as a high court, and the House took in hand the prosecution. The managers for the prosecution were Thomas Sparrow, chairman, James G. Scott, Wm. G. Worth, T. D. Johnson, G. H. Gregory, Jno. W. Dunham, and C. W. Broadfoot. These gentlemen employed as prosecutors for the House, ex-Governors W. A. Graham and Thomas Bragg and A. S. Merriman, late Chief Justice. No appropriation was allowed Governor Holden to secure counsel. He was compelled to pay his own lawyers and in some instances to pay the expenses of his own witnesses. This was not only partisan but unjust. He secured the services of W. N. H. Smith, later Chief Justice, Nathaniel Boyden, J. M. McCorkle, Edward Conigland and Richard Badger. Mr. Badger refused any remuneration for his services. The trial really began on January 30, 1871. The articles were introduced in December of the previous year but time had to be allowed for the collection of evidence. The burden of the prosecution was the *habeas corpus*. Was it suspended by military action? This and other questions involved held the attention of the court, presided over by Chief Justice Pearson, for forty-four days. The result was that Governor Holden was found guilty of all except the first two charges, and the Senate adjudged that "the said W. W. Holden, Governor, be deposed from office and found disqualified from holding any office of profit or trust in the State."

It is not my purpose to enter into any detailed account of the Impeachment and the legal question involved, and the argument of the prosecution and counsel. That would require a knowledge of legal history that few of our best jurists have. But this fact must be felt by every one who reads the proceedings in an unbiased spirit—that whether the Governor was guilty or not guilty, the trial was conducted in the most partisan spirit. The defendant's chances for acquittal were limited by a decision excluding



all testimony regarding the Ku Klux except that relating to Alamance and Caswell. Also whenever there was an uncertain issue, nine times out of ten the Senate would overrule the decision of Chief Justice Pearson and decide in favor of the prosecution. In this, Senator Edwards was prominent, for he always made the motion appealing from the Chief Justice to the Senate. Also the evidence for the prosecution was often doubtful, for example—Josiah Turner was arrested without the order of Governor Holden. No order could be shown for his arrest. Yet the Governor was convicted of this charge. And Mr. Turner when examined made the following statements:

Q. What are your personal feelings toward the accused? A. I suppose as good as they ever were.

Q. That is not exactly answering my question—what are they now? A. They are just as good as they ought to be between a good and a bad man.

Chief Justice. Are you on good or bad terms with him? A. There are no terms between us. I have never passed a dozen words with him in my life. I never had any social relations with him. I never passed a dozen words with him in my life—hardly a good morning."

In his memoirs Governor Holden states that he supported Mr. Turner when candidate for the Confederate Congress, that Mr. Turner visited him in Raleigh, where they planned the campaign and separated the best of friends.

Also two Republican Senators were expelled and Democrats elected to fill their vacancies. One of these was Edwards, above referred to, one of the chief tools of the prosecution. On the day the final vote was taken, says ex-Governor Brogdon, two Democratic Senators were so drunk that they had to be led into the Senate chamber and supported by marshalls until their votes, which were necessary for conviction, were taken.

Through all the proceedings, Governor Holden conducted himself with dignity and honor. He refused to be a party to any method of self-preservation, save the small chance given by the prosecution. In his manuscript I find the following statements:





“One morning, in the Spring of 1870, Chief Justice Pearson called to see me at my house. We conversed a good while. Among other things he said that the Senate of this State has been chosen for four years and he could prove it beyond question. He said he hoped I would concur with and would aid him in a case to be made up by the Supreme Court. I was surprised at the suggestions. The proposition was to me a new one. I had not thought of it but I said to him, ‘Judge, the people in voting for the Constitution, no doubt believed that they were voting two years for the Senate and not for four—and besides it is written the different departments of the government should be kept always separate and distinct, and according to their rule I could not concur with the court.’ He seemed to be, as he no doubt was, profoundly in earnest. The Senate was at that time two-thirds Republican. It was the first Senate under the Constitution. I did not think of the matter any more until I was impeached.

“Mr. Brogden said to me one day, ‘Governor, I am advised to say, that if you would use your influence with the Legislature to call a Convention the Impeachment proceedings will be stopped. I told Mr. Brogden, ‘I am the first Governor under the new Constitution and can not support a Convention to amend the Constitution at this time. The Constitution has not yet been tried. ‘I could not do evil that good might come.’ He seemed perplexed and troubled and said, ‘I am disposed to think well of the Constitution generally, but it ought to be amended, but you are too careful and squeamish for your own good.’ I went that day over to the lobby of the House of Representatives, and met Dr. Thomas W. Young, my brother-in-law and a member of the House who said, ‘Governor, we want to call a Convention and lack but eight or ten votes of doing so. What will you say?’ I answered, ‘Doctor, I can’t agree to the arrangement to call a Convention on my account.’ He said, ‘We can do it





in both Houses if you will agree to it.' I said, 'No, I can't do it.' "

After his Impeachment, Governor Holden removed to Washington, and was connected with the *National Chronicle*. He finally returned to Raleigh where he was Postmaster for a number of years.

So ends the public life of W. W. Holden. In many respects he is the most unique man in North Carolina history. He is the only Governor in the United States that was ever deposed from office. His trial is a slur on the history of the party that conducted it—still greater is the shame that his disabilities were never removed. Much has been said of Reconstruction and negro rule. But Mr. Holden never recognized the negro as an equal of the white, though he was compelled to protect him. He left the Republican party in 1880 when the negro question was becoming dominant, and his party seemed to be identified with the negro.

The final verdict in regard to his political life remains to be made in the future. But this must forever remain to his credit. He was one of the leaders in the Revolution of 1848 and 1850 that placed all citizens on an equal suffrage basis and so struck the final blow to the only aristocracy.

Whatever may be our judgment of him politically, as a journalist he is the peer of any North Carolina has ever produced. When we consider his literary ability we cannot but lament the fact that one who possessed such brilliant possibilities was compelled to spend his life at the case and press and make his livelihood as a politician. As testimony to his literary tastes I give this extract from Mr. J. H. Bonner to T. H. Hill:

"I remember one stormy autumn night—I think it was in 1865—he and I sat alone by a smouldering log fire in the rear room of the old *Standard* office. We fell to talking about poetry, as was generally the case when we were alone, and I chanced to have in my pocket a copy of your first book. I read to him your "Fireside Fancies." This drew him out, and in return he recited for me several of his own pieces which, so far as I know, have



never appeared in print. I can only recall now a portion of the refrain of one of them. It was this:

—"who can tell  
Where the lone spirit went when  
the frail body fell!"

Gov. Holden had fine poetic taste; he was a good critic, though inclined to favor religious verse. Milton was his poet. He was familiar with the English Classics.

"How old am I growing! More than thirty years have passed since I first became acquainted with Governor Holden. I was then in my sixteenth year, and I gratefully remember the kind and gracious manner and tone with which he greeted me. From that day to the end of his life we were warm friends. We exchanged letters quite frequently up to the time of his paralytic disablement. In '83, when my book of poems was published he managed to write a few tremulous lines expressive of his loyalty of friendship—only ten lines, in which he said; 'If I had the physical strength, John, it would give me peculiar pleasure to review your poems in some North Carolina paper.'"

During the stormy days of "reconstruction," when I held a State office which necessitated frequent business interviews with him, I have seen him calmly endure enough mental and nervous strain to wreck a man of steel. As Jo. and I had come to be chums, the Governor regarded me with real fatherly affection. Often when I was about to retire from the Executive chamber because of the presence of important personages with secret affairs, he would bid me remain. I know much of his unpublished history, and I make bold to say that I believe he always *intended* to do right. After many a critical scene, when the last visitor had withdrawn, and the door had been locked for the day, he has unbosomed himself to me and avowed his purpose to do right. And he at least had the courage of his convictions. He was a brave man. First of all, he was a gentleman. Personal assaults upon him were not infrequent, but he was never harmed. He never carried a weapon. I was once near him, on Fayetteville street, when a malignant man leveled a pistol at his breast. The Governor was always alert. Quick as a flash, he struck the pistol from the assailant's hand with his cane. Instead of following up his advantage with a blow, the Governor, apparently without loss of temper or composure, said to him: "Shame on you, sir!" There was no further trouble.

Though his life was stormy, his enemies always malignant, he showed the greatest charity. He aided in having amnesty to the Ku Klux proclaimed two or three years after his impeachment. His last years were filled with charitable work in Raleigh. He was the friend of the poor of the city, visited them and aided them in their troubles. He, on every available occasion, said he cherished no spirit





of resentment against those who had opposed him. He died in March, 1892. During the last months of his life he dictated his memoirs, written by his daughter. This manuscript is remarkable for the clearness with which everything is stated, though he was then paralyzed and feeble. In conclusion I quote the last section of his "last letter to the public:"

"We live in altered, in new times. The events of the past and the condition of things in the present, warn us of the paramount importance of law and order. There is no safety to society save the reign of law. I have always held that as a citizen and as an officer. I hold it still, with added tenacity, if possible. The paramount thought with all public officers should be, what is my duty, not what the crowd or the mobs, or bodies of friends desire or advise, but what is right now, without regard to party. George Washington himself warns us against the fatal danger of party spirit. General Andrew Jackson does the same. Their farewell addresses are invaluable. General Jackson once said to Colonel Bedford Brown: 'Colonel Brown, you will live to see a great civil war in this country about slavery. I will not live to see it, but I put you on your guard. The tariff has been proclaimed by Duff Green too weak to divide the Union, but he says slavery is strong enough to do it. Mr. Calhoun and Mr. Preston make speeches for the South and against the North, and the North in turn assails the South. One side cuts the wood and lays it down, and the other side sets fire to it. If this sectional feeling is continued I fear the worst.' Jackson and Washington were wise and forecasting. We now have a restored Union. It is the strongest government on the face of the earth . . . The States are not only powerful and never will be. The rights of the States are dead. I simply state facts. I do not say who did this thing or that thing. I speak only of results.

"Mr. Webster said in one of his great speeches in the Senate, that if the pillars of the Union should fall, 'they would be raised not again.' It is not the same Union and it never will be.

"Pass on, relentless world, I grieve  
No more at all that thou hast riven—  
Pass on, in God's name only leave  
The things thou never yet hast given;  
A heart at ease, a mind at home,  
Affections fixed above thy sway,  
Faith, set upon a world to come,  
And patience thro' life's little day.

"The public's most obedient servant,

"W. W. HOLDEN."







AN  
ANNUAL PUBLICATION  
OF  
historical Papers  
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*Published by the Historical Society of Trinity College,*

DURHAM, N. C.

SERIES IV.

UNDER THE SUPERVISION OF THE DEPARTMENT OF HISTORY

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# Historical Papers.

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## SERIES 4.

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### NORTH CAROLINA METHODISM AND SLAVERY.

BY J. S. BASSETT.

A leading Baptist minister, now quite old, said to me recently: "About all the religion the negroes as a class got before the war, they got from the Methodist and Baptist churches." This remark, so far as it applies to the number who joined these churches, is entirely true. These two churches have been the churches for the people in North Carolina. In their doctrines and their methods they appealed to the popular mind. They have preached to the heart. They early appealed to the enslaved people around them. Other churches, undoubtedly, had negro members. All of them had a few; but no other churches had them in large numbers. In the other churches, as the Presbyterian and the Episcopal, the negroes in the church were mostly slaves or followers of families who had their membership there. In all denominations the negroes had equal rights so far as instruction and communion went; but not equal privileges in the government. They were cared for faithfully by the whites and through patient teaching, many of them came to understand and to practice the fundamental principles of Christian living—a process which undoubtedly helped the slave to bear his servitude and operated to render slavery as a state perpetual. When there were only a few negro members they attended services with the whites, and a certain portion of the church was assigned to them. Where there was a large congregation of negroes



they were given a separate sermon, usually after the whites had dispersed. In earlier days there were a few negro preachers but even then the greater part of the preaching for the negroes was done by white preachers. The influence of the preacher over his flock was something that the whites very properly would not have relinquished to the negro preachers, had there been ever so many of the latter. In 1831 slaves and free-negroes were forbidden by the legislature to preach, exhort or hold prayer meetings. This was a harsh law, and in some cases it was not strictly enforced. In others it was enforced and bore hardly on at least one prominent negro preacher, viz: Rev John Chavis, of Granville. The white preachers preached such sermons as they thought the negro needed and could comprehend. Naturally, this led them to emphasize the duties of servants to their masters, that is to say, they continually preached from the text: "Servants obey your masters." The most independent spirits rejected this kind of preaching. To them it seemed that the white man's religion was but another means of riveting the chains of servitude.

No other leading church in the South, except the Quakers had a better record as to the practice of slavery than the Methodist church. John Wesley pronounced the slave trade "the execrable sum of all villanies." (Luke Tyerman, iii-114.) The last letter he wrote, six days before death, was to Wilberforce, and in it he called our slavery "the vilest that ever saw the sun." (Ib. iii, 650.) Whitfield, however, believed that slavery might be made a means of converting the Africans. He did not think slavery wrong and he bought and worked slaves on his plantation in Georgia. In America many Methodists held Mr. Wesley's view. In the North especially was this true. The Conference in Baltimore, in 1780, declared that slavery "is contrarary to the laws of God, man, and nature, and hurtful to society, contrary to the





to the dictatates of conscience and and pure religion and doing that which we would not that others should do to us or ours." It further declared its "disapprobation on all our friends who keep slaves." (Minutes. pp. 25-6.) This resolution was probably offered by some of the members of the Conference, although there is nothing in the records to show it. It was decided in 1784 that Methodists who bought and sold slaves ought to be turned out of church. Public opinion was found to be against this regulation for a year later it was suspended till a later meeting of Conference. The Conference, however, was particular to add: "N. B. We do hold in the deepest abhorrence the practice of slavery, and shall not cease to seek its destruction by all wise and prudent means." (Mins. p. 55). This change of sentiment was caused by the preaching of Bishop Coke who had just arrived in the country and had begun to preach with vigor against slavery. Southern slave-holders were enraged and in South Carolina he narrowly escaped bodily violence. As a result Methodists were refused access to the slaves and it took years to overcome the opposition. If the matter was taken up in the near future no mention of it was made in the published minutes. In 1795, the church proclaimed a fast, and one of the purpurposes was "to call on the Lord that the Africans and Indians may help to fill the pure church of God."

An important question from the first was the holding of slaves by ministers. The spirit of the church was undoubtedly against it, Whitfield's example to the contrary, notwithstanding. The matter was before the Conference for some time, and it occasioned many disputes—just as later it was to be the cause of the division of the church. At length the two sides came to a compromise. In 1816, it was agreed and enacted that henceforth no Methodist preacher should hold slaves in the States in which the laws would allow them to be emancipated and to live there as freemen. As all of the Southern States required slaves





that were set free to leave those States in a short time on pain of being re-sold into slavery, this did not operate harshly on such preachers in the South as had slaves. Such preachers were, it is fair to say, as a class against Slavery in the abstract, but they were often so placed that to own a slave seemed to them the most humane thing under the circumstances. Thus a preacher might marry a woman who owned slaves. These slaves might not desire to leave their old homes for the colder climates of the free States, and they might have to leave relatives to whom they were deeply attached in order to do so. In such a case a benevolent and intelligent master would most likely consider that the best interest of the slave demanded that he should be still a slave.

As the North became more and more aroused on the question of slavery the Northern preachers became more and more pronounced in their views against it. The compromise of 1816, like the Missouri Compromise four years later, tendered to restrict slavery to the South. By 1844, the Northern section of the country had developed far enough to have the most pronounced views. The matter was opened in the General Conference of that year in regard to a case from Maryland in which a preacher had married a woman who owned slaves, thus becoming a slave-owner. Maryland forbade liberated slaves, to stay in its bounds. The Maryland Conference failed to pass the character of the slave-owning bridegroom, who, it was said, had flown in the face of well known public opinion in his church in coming into his new relation. The case was appealed to the General Conference and the judgment of the lower Conference was confirmed. This gave the anti-slavery movement courage and they at once brought in a resolution of censure against Bishop Andrew, whose episcopal heart had been caught in the meshes by a fair slave-holding widow in Augusta, Ga. The North claimed that the bishop by his marriage had made himself unacceptable to the North—



where the people would not have a slave-holding bishop to hold the Conferences. The majority of the delegates from the free States were men of a new time—reared in the midst of the strenuous controversy over slavery. With them the spirit of the compromise of 1816 went for but little. They were immovable. The resolution against Bishop Andrew was carried by a vote almost strictly sectional.

The result, as is well known, led to the secession of the Southern delegates and the establishment of the Methodist Episcopal Church, South. But the Southern church did not change its profession in regard to slavery. It had contended for the compromise of 1816, and in its own Discipline, first published in 1846, it repeated in the exact words of the old Discipline: "We declare that we are as much as ever convinced of the great evil of slavery; therefore, no slave holder shall be eligible to any official station in our church hereafter where the laws of the State in which he lives will admit of emancipation, and permit the liberated slave to enjoy freedom. 2. When any traveling preacher becomes an owner of a slave or slaves, by any means, he shall forfeit his ministerial character in our church, unless he execute, if it be practicable, a legal emancipation of such slaves, conformable to the laws of the State in which he lives."

As to the care of the Methodists for negroes the record is clear. From the earliest time the Methodists turned their attention to the conversion of the slaves. In many communities in the South, the church began its work as a negro church. It may be said that it was the first considerable body to make the conversion of the slaves a chief object. It had success from the first. In 1795 the Conference rejoiced that many thousands of these poor people [the Africans] are free and pious." (Mins. p. 163-4). When the division between the North and the South came, the latter branch instructed its preachers to enjoin on their congregations the duty of Christians to teach the slave to





read the Bible and the duty of the slave to attend church services. It also guaranteed to colored ministers the privileges usually granted to other like members, "when the usages of the country do not forbid it." The presiding elder was authorized to hold a separate District Conference for colored preachers when there were enough to justify it. Moreover, the the Annal Conferences were given the authority to employ colored preachers to travel and preach—provided that such preachers should have been recommended according to the Discipline. Thus it will be seen that the Southern Methodist church began its life in no spirit of hostility to the negro. This body repudiated the anti-slavery sentiment of the North but it still professed an oppositon to slavery in the abstract and earnestly desired the best Christian development of the slaves.

In North Carolina the progress of Methodism among the slaves was rapid. In 1787, when we have our first statistics, there were within the State, 5,017 white and 492 colored members. In 1790, three years later, there were 7,518 whites and 1,749 blacks. The census etimated at five-year periods after this runs:

Year.	Whites.	Blacks.
1795	8,414	1,719
1800	6,363	2,108
1805	9,385	2,394
1810	13,535	4,724
1815	14,283	5,165
1820	13,179	5,933
1825	15,421	7,292
1830	19,228	10,182
1835	27,539	8,766
1839	26,405	9,302*

This shows a rapid gain of the blacks as compared with

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\* FOOT NOTE.—This is the last year for which I have been able to get the figures.



the whites. A notable feature here is a tendency—not entirely absent from the white column also—for the negro membership to vary sharply, sometimes rising suddenly and then again falling as suddenly. This variation is not unnatural. It corresponds with the emotional nature of the negro. In the eastern part of the State the proportion of negro members was large. This was of course due to the fact that in this section there were vastly more slaves than in the East. An illustration of this is found in Wilmington. Methodism was planted here about the close of the eighteenth century. William Meredith a wandering Methodist preacher came to Wilmington at that time. He was struck with the possibility of doing good in the place. In the suburbs among the negro cabins he bought a lot. He preached faithfully to both black and white in any place he could get. At length he had raised a sum of money, mostly from the penny collection of the negroes, and he built a church building of his his own. His venture was independent of the regular connection, but he held the friendliest relation with the regular preachers as they came through Wilmington, and when he died he left his church and other property to the Methodist organization. Hither came Bishop Asbury in 1807. He preached two sermons on Sunday. At sunrise of the same day John Charles, a colored preacher, preached from the text: "Now no more Condemnation." The bishop speaks of it as a "high day on Mt. Zion." The majority of the flock were negroes. By the wealthy people the church was looked down upon as the "negro church." The only other church in the place at that time was an Episcopal church. Most of the aristocratic ladies attended this church but a majority of the men were freethinkers after the French fashion. The Methodist doctrines were considered all right for the ignorant—whose conduct was thought to be improved by a taste of hell-fire. The congregation were not however,





always left at peace. The records show that on certain occasions the building was wrecked by the popular vengeance.

More striking is the story of the planting of Fayetteville Methodism. Late in the eighteenth century Fayetteville had but one church organisation and that was Presbyterian. The body, however, had no building of its own. One day there came to the place, Henry Evans, a full-blooded negro shoemaker who was going from Stokes county, N. C. to Charleston, S. C. where he proposed to locate. He is thought to have been born free and it is known that he was converted at an early age. He removed first from Virginia to the neighborhood of Doub's Chapel, in what was then Stokes, but is now Forsythe, county. Here he staid one year and was licensed to preach by the Methodists. In Fayetteville he was impressed by finding that the coloree people were "wholly given to profanity and lewdness, never hearing preaching of any denomination." He decided to settle here and to try to build up the negroes. He had not preached long when he found himself the object of the severity of the law. The whites, ever on the alert to detect some early sign of a slave conspiracy, passed a law forbidding him to preach within the town limits. He then met his flock in the "Sandhills," which were desolate places outside of the corporate limits. He thought he had cause to fear mob-violence and he changed the place of meeting from time to time and often his tormenters would go to break up his meeting only to find that he had moved it to some other place. No law was violated. His persecution he bore meekly, and those who spoke to him about the matter got such respectful answers that public opinion at length changed. Many of the negroes were reached, and it was soon noticed that such as had come under his influence were the more docile for it. A number of prominent whites, mostly women, became interested, and began to go to the meetings. His friends increased fast and he was at





length invited to hold his services in town again. More than this, a rude wooden church was constructed and seats in it were reserved for the whites, some of whom became regular attendants on the services. The reputation of the preacher grew rapidly and the white attendants increased in number. At length they filled the entire body of the church and the boards on the side were knocked off so as to allow shed-like additions to be built for the colored attendants. At first the organization was an independent one. But in time it was taken into regular connection and Fayetteville became an appointment on an established circuit. A white preacher accordingly had the work in hand; but the heroic founder was not displaced. A room was built in the rear of the pulpit and here he lived the rest of his life. He died in 1810.

Of Henry, Evans, Bishop, Capers said: "I have known not many preachers who appeared more conversant with the scriptures than Evans, or whose conversation was more instructive as to the things of God. He seemed always deeply impressed with the responsibility of his position.

. . . Nor would he allow any partiality to induce him to vary in the least degree the lines of conduct or the bearing which he had prescribed to himself in this respect; never speaking to a white man but with his hat under his arm; never allowing himself to be seated in their houses; and ever confining himself to the kind and manner of dress proper for negroes in general—except his plain black coat in the pulpit. 'The whites are kind to come and hear me preach,' he would say, 'but I belong to my own sort and must not spoil them.' " The humility of the man, we must think, was praise-worthy. It was necessary under the circumstances. But what shall we say of the system that demanded such a prostration of self-respect from a man of the christly courage of Henry Evans! He did a great work, but might it not have been greater had he been untrammelled by the sense of his subordination.



His last speech to his people is noteworthy. Directly after the morning service it was the custom of the white preacher to preach to the blacks. On the Sunday before Evans died, as this meeting was being held, the door of the little rear room opened and the old man tottered in. Leaning on the altar-rail he said very simply: "I have come to say my last word to you. It is this: None but Christ. Three times I have had my life in jeopardy for preaching the gospel to you. Three times I have broken the ice on the edge of the water and swam across the Cape Fear to preach the gospel to you, and if in my last hour I could trust to that, or to anything else but Christ crucified, for my salvation, all should be lost and my soul perish forever." Of these words Bishop Capers said simply and justly that they were worthy of St. Paul.

The early experience of the Methodists in Raleigh is also interesting. Here the negroes constituted a large part of the congregation. When the church was built they contributed their part and they were assigned seats in the gallery. Later an opportunity was given for them to buy a church of their own. Both blacks and whites worked to get money together until the scheme was consummated. When the slaves moved into their own building there was a two-fold rejoicing; by the blacks because they had a building of their own, by the whites because the negroes were out of the building of the whites. The negro church now became a negro mission, and was served by a white preacher assigned by the North Carolina Conference. It was the custom to send some old preacher of great kindness and usually of very good ability to the work. The negroes were very devoted to their preacher, and I have been told showed their appreciation by frequent presents of such articles as pies, cakes and socks. The white members of the churches were still interested in the negroes and exercised a kind of oversight over them, attending their meetings and teaching in their Sunday schools.





On the plantations negroes usually joined the neighboring churches. Owners of some of the large plantations in the East used to unite and pay the salary of some preacher whom the Conference would send them. In such a case the negro church would be made an appointment on a circuit and would have preaching once a month as other places. In the Cape Fear region early in the century I find that one or more missions to the slaves appear on the list of assignments. This means probably that a preacher had several charges composed of negroes and covering a large area. Such a plan was feasible only in the East where slaves were more numerous.

I cannot close without saying just one word that a study of this part of our Methodist history brings to my mind. If we found it wise in the days of slavery actively to superintend the religious instruction of the negroes, would it not be wise now for us, as a church, to give some careful oversight and aid to him? Perhaps our entire separation from him may have been justified in the days of reconstruction, when there was much mutual distrust between the races; but no such a justification seems now to exist. This is not the place or time to make an argument on this point; but I trust that you may feel enough interest in it to endeavor to determine for yourselves. We are our brother's keepers. The black man is our brother and will remain so. To him our church has a duty. Does it perform it by letting him alone?



## COURT SYSTEM OF NORTH CAROLINA BEFORE THE REVOLUTION.

BY S. A. STEWART.

In studying the development of a people nothing is more helpful than a correct understanding of their system of judicature, for here we not only learn their methods of administering justice, but, at the same time, we get an insight into their conception of *justice* itself. There is no question of government more vital to the individual than the mode in which the authority of that government is to be administered. There is hardly another function of government that touches the citizen at a point quite so delicate as the institution which passes judgment upon his deeds and intentions. Hence we find that all peoples at all times have demanded a satisfactory and, to their minds, a fair system of meting out justice to both offender and offended. "Equality before the law" is not alone a plea for an equal voice in selecting the rulers and legislators who are to make the laws, but it is also a plea for an indiscriminating law, applying indiscriminately to rich and poor, bond and free, to be administered by an impartial hand, not without a certain "fear and trembling," yet with a boldness and fidelity becoming a man robed with authority. I say the people not only demand that the laws be impartial, but that the courts in which those laws are to be interpreted and applied be such as will insure fair play to all those bringing suits therein. Thus it is that a knowledge of the court system of a people comes to have such wide significance and suggestiveness.

To treat adequately and explicitly a subject like the one in hand is quite a difficult task on account of general confusion, and in some cases actual lack of certain important records, and on account, also, of a direful want of co-ordination in the system. Different things were tried at different places and times as the exigencies of the case





might demand. The reader should also bear in mind two other points: first, that the amount of territory occupied in early colonial days was very small, and a system of judicature adapted to the narrow limits of a small province would, of necessity, have to be remodeled and enlarged to meet the demands of an expanding settlement; and secondly, that all our institutions were merely attempted adaptations of English institutions to our conditions, consequently many were superfluous and many were unsuited and *unsuitable* to a widely dispersed population occupying an undeveloped country.

With these introductory remarks I am prepared to enter upon my task which is, not to trace all the changes, giving the minute details and dates, but rather, to give a summary, of the Court Systems of North Carolina prior to the Revolutionary war. And it will greatly aid the mind in getting hold of the facts if we divide it into two periods, the first extending up to the close of the proprietary regime in 1729, and the other continuing it to the breaking out of the war.

#### THE GENERAL COURT.

For more than a quarter of a century, embracing the early history of North Carolina, the judicial functions of government, as well as the legislative and executive, were exercised by the Governor and his Council. This we know from the fact that to the "Governor and Council in time of court" were granted thirty pounds of tobacco in each action. It seems that they combined the powers of both law and chancery courts of England. In 1665 authority was granted the Governor and Council to establish what courts might be found necessary. About the same time the province was divided into precincts for the purpose of electing representatives to the Assembly. The same process made the precinct the territorial basis of a new court—the precinct court. Certain functions were taken from





the one previous tribunal and given to the precinct courts. The older tribunal became an appellate court, known as the General Court. It was the forerunner of our present Supreme Court. The Governor and Council continued to hold this court till near the close of the century, when they appointed Justices for the purpose. Just when the change took effect is hard to say, but we know that in the year 1695 Samuel Swann, William Glover, and John Hawkins held the General Court. Another step was taken in 1713, when Christopher Gale received a commission direct from the Lords Proprietors, making him Chief Justice. The number of Associates varied, there being but two in 1713, while in 1716 there were ten. These Associate Justices were equal in authority with the Chief Justice, but in 1718 it was ordered that no court should be held without the latter dignitary being present. These changes mark the chief steps of the development of this court under the proprietary regime.

The authority of this court seems to have been commensurate, on the one hand, with the courts of King's Bench, Common Pleas, and Exchequer; and on the other, with the courts of General Session of the Peace, Oyer and Terminer, and General Gaol Delivery. Its jurisdiction extended territorially over the entire province; but its legal authority was limited chiefly to cases appealed to it from inferior courts, and to cases whose participants were citizens of different districts, and also to civil cases involving more than a certain legally fixed sum, usually fifty pounds. This court also exercised certain non-judicial functions, such as the general supervision of the roads of the province, the regulation of fare and the appointment of ferrymen; and sometimes, when so directed by the Assembly, it apportioned the taxes and ordered the payment of the public indebtedness.

An appeal might be taken from the decision of this court to the King. But before going to the King the



evidence had to be sent from the General Court to the Governor and Council. A day was set for a rehearing, and this body either approved or reversed the decision of the General Court. But it might be carried to the King if either party was still dissatisfied; provided, however, that the party continuing the suit incur the expense of the same, and provided further, that the case so appealed be one involving no less than five hundred pounds. These restrictions practically did away with appeals to the Crown.

The executive officer of this court was the Provost Marshal of the Province. He was appointed by the Governor and Council. It was his duty not only to execute the orders of the General Court, but to summon jurymen and preserve order during the convening of court. He also appointed his deputies to serve the Precinct Courts as he served the General Court. This formed a network of individuals who were in close communication with each other, and through them notice could be given the people of the convening of the assembly, or of an election to be held for members of the Assembly, and of other things of like importance. Another officer of this court was the Clerk, appointed by the Chief Justice, whose duty it was to act as scribe for the court. In 1679 appeared the first Attorney-General in the person of George Durant. He received his commission, as it appears, from the Governor and Council.

#### THE PRECINCT COURT.

This court, as we have already noted, came into existence about 1665 or 1670. It was held by several justices of the peace in joint session, one of whom was usually denominated Judge. Frequent sessions of this court were held, although the number in different precincts varies. Probably, like most other things, its sittings were influenced somewhat by the law of supply and demand, especially by the latter. Likewise the number of justices





in different precincts varied, and no doubt for the same reason. As there were no court-houses to be found prior to 1722, these courts were held at private residences that happened to be convenient and suitable for the purpose.

The territory of jurisdiction of this court was the precinct. Its scope of authority underwent many changes from time to time, but only the more important points are here desired and these may be briefly summarized. In criminal causes its authority extended to all offences not punishable with life, limb or estate; and in civil causes to suits involving more than forty shillings and less than fifty pounds. This court might punish by "fines, amercements, forfeitures, or otherwise."

Like a Board of Commissioners at the present day, this court had charge of many matters of public concern. It might take the probate of wills, and receive entries of land. It also fulfilled the functions of the English Orphan's Court, appointing guardians and binding orphans as apprentices. It looked after the general management, (opening and repairing roads, building bridges and appointing overseers) of the public highways of the precinct. Furthermore, it supervised the administration of estates, appointed constables, and granted franchises for building mills. etc. The fact is, it formed the chief centre of local government in North Carolina during this early period.

The decrees of this court were executed by an officer called in early times provost-marshal, but later he came to be called *sheriff*. He was a deputy of the Provost-Marshal of the General Court and in general sustained the same relation to the Precinct Court as the latter did to the General Court. It was a part of his duty to summon jurymen, which was done in much the same way as at present. There was also a Clerk whose business it was to keep and transcribe the minutes of the meetings of the court. Attorneys, of course, took part in the trial of cases, and in early Proprietary times there was a practice of allowing advocates, men not bred to the law, to use this court as a



kind of practice ground. But an end was put to this kind of thing by an order of the General Court forbidding any person to act as attorney-at-law in the province save such as had been licenced by the Chief Justice and Judges of that court.

On the last day of any session of this court the clerk was required to read in open court the minutes of all the proceedings. After all errors had been duly corrected, and the document had been signed by the justices, it was declared *the record of the court*.

#### JUSTICE OF THE PEACE COURTS.

The first record we have of this court was in Perquimans County in 1679. These officers were given quite an extended range in which to display other magisterial powers, being authorized to inquire by the oaths of good and lawful men of the precinct aforesaid, by whom the truth may be known of all and all manner of felonies, witchcraft, enchantments, sorceries, magic arts, trespasses, forestallings, regratings, and extortions whatsoever." Usually their jurisdiction in civil cases did not extend to cases involving more than forty shillings.

These magistrates must have been appointed by the Governor and Council, for we find an enactment which boldly affirms that "it has always been the custom, time out of mind, for the Governor and Commander-in-chief to appoint all officers in this government, by and with the consent of the major part of the council."

The executive officer of this court was the constable, appointed annually by the justices of the precinct court, and invested with like powers and authorities as were the constables in England.

#### CHANCERY, ADMIRALTY AND SLAVERY COURTS.

The three courts above mentioned constituted the chief agencies for the administration of justice, but there were three other courts of secondary importance. These courts, it would





seem, were instituted not so much because of any actual need of them, as because similar courts existed in the mother country, but because of the additional fact that they furnished more offices to be filled by the friends and kinsfolk of the Lords Proprietors.

The first of these to be mentioned is the Court of Chancery. This was, as in England, a Court of equity. Its duties do not seem to be either numerous or difficult. "The Governor and the members of his Majesty's Council are the judges of this court," and the presence of the Governor and at least five members of the Council are essential to its sittings. "The Governor may hold court when and where he pleases although it is seldom held oftener than twice a year."

When the General Court was created, the chancery jurisdiction still remained in the hands of the Governor and Council. But other functions were added to these. Wills were proved before it, executor's accounts were received by it, and lands were divided by it, and occasionally we find it hearing charges against citizens, or against officers for misconduct in office.

The second is the Admiralty Court, which consisted of a Judge, a Register, a Marshal and an Advocate. The purpose of the court was to enforce the acts of trade. Previous to 1698, the duties of this court devolved upon the common law counts. In this year, however, North Carolina was attached to Virginia and the one tribunal served both states. But this arrangement did not last, and early in the next century the colony had its own Admiralty Court. This court was not only similar to the Admiralty Court of England, but was an actual offspring of it. Its officers were appointed by it, and to it reports must be made.

The third of this group of courts was the court for the trial of slaves. For slaves to be required to lie in prison for months at a time would entail too much loss of time and labor on their owners, and so a special court was established for the speedy trial of these slave criminals. It





was rather a commission and was composed of three justices of the of the Precinct Court and three slave-owning free-holders. The magistrate whose commission was oldest, determined the time and place of meeting. After hearing the facts in the case the court had power to pass sentence extending to life or members; or it might inflict any corporal punishment short of this. It might also command the proper officer of the law to execute its sentence.

#### COURTS IN THE ROYAL PERIOD.

Such in general were the courts in North Carolina at the end of the proprietary government, and such they continued for several years thereafter. The change of the Colonial government from proprietary to royal had very little effect upon the courts. Only such changes were made from time to time as circumstances demanded. It now remains for us to note a few of the more important of these changes that were made prior to the beginning of the Revolution.

The first one of importance occurred in 1738. An act was passed "by his Excellency Gabriel Johnston, Esq., Governor, by and with the consent of his Majesty's Council, and the General Assembly of this province," abolishing the Provost-Marshals of the Province and appointing instead a Sheriff in each *County*. Three Justices of the Peace in each county must be recommended biennially to the Governor by the court of the county, who must be "most fit and able to execute the office of Sheriff for their respective counties." The Governor appointed the *one* that to him seemed "meet for the office," and he served the next two ensuing years." The same act changed the name Precinct to County, and the old Precinct Court became the County Court, but its organization and functions remained the same in essence as they had been.

The next change of interest came in 1746 when there was a general revision of the courts. At this time it was enacted that the Court of Chancery, and the Supreme or



General Court shall be held and kept at the town of "Newbern." But the same act created a new court, "a Court of Assize, *Oyer and Terminer*, and General Delivery." This court was to be held twice a year by the Chief Justice and Attorney General at each of the following places: "at Edenton in Chowan County, at Wilmington in New-Hanover County, and at the court house in Edgecomb County." Thus the State was divided into three judicial districts. The number of districts was increased from time to time as occasion demanded, and it came to be called the Circuit Court, and finally the Superior Court. It should be noted that it was a *splitting off* of certain of the functions of the General Court leaving it to be the Supreme Appellate Court of the State. This latter Court continued to meet twice a year at Newbern.

"And for the better establishing of the County Courts" it was enacted that they should be held four times in each year, and that the Justices of the Peace "shall have power and authority, as amply and fully, to all intents and purposes as Justices of the Peace in the Counties in England as well out of their Court of Quarter Sessions, as within, to preserve, maintain, and keep the peace within their respective Counties."

This system of courts continued without material change till the opening of the war. The great weakness of the whole system was its instability. The court laws were temporary and on account of political disputes between the assembly and the Governor their existence was generally limited to a certain specified period, usually two years.

This led to frequent legislation with its consequent agitations and discussions regarding courts and court systems. But this was greatly remedied in the closing years of Governor Tryon's administration. In 1768, the court question was again taken up, and, while the general features of the system were left unaltered, the duration of the same was extended to five years instead of two, as formerly.





## WILLIAM H. BRANSON.

BY JNO. C. KILGO.

Very few American families can trace their ancestry beyond three or four generations. This is due to the lack of a historical spirit among the early settlers of a country. They make no records, and only vague traditions carry their histories down to other generations. When the Branson family came to America cannot be accurately determined. It is, however, certain that early in the eighteenth century Thomas Branson came from England and settled in Chatham county, N. C. This makes the Branson family one of the old families of North Carolina, and identifies them with all the periods of the State's growth.

William Henry Branson belonged to the fifth generation from Thomas Branson. William's father was named Thomas, doubtless for the original Branson, and was born in Randolph county, near Asheboro, in the year 1800. For four generations the Branson family remained in this section of the State, a fact which indicates an indisposition to rove from point to point in search of easier fortunes.

Thomas Branson, the father of William H. Branson, was twice married; the first time to Miss Mary Lewellyn, the second time to Mrs. Prescott, who was a Miss Buck. William was the only child by this second wife. He was born near Cedar Falls, Randolph county, May 23, 1860. His father was a blacksmith, a vocation of large importance in the first half of the nineteenth century. The blacksmith was then a manufacturer, making not only all the implements of farming, but all the pieces of iron furniture in the best homes. Longfellow's "Village Blacksmith" commemorates the true dignity and character of the hero of the anvil. So Thomas Branson was a central figure in the industry of his community. He is described as a man with a large and erect frame, strong intellect, and



noble character. He was a man of deep convictions, and held to them with unshaken fidelity; he was energetic and honest in all business transactions, while his genial nature drew about him a host of friends. One who knew him said, "Never was there a more upright man than Thomas Branson." His second wife was a woman of genial nature, and very full of energy. Their only son, William Henry, got a good start in his parents, and his record fully sustained their character in the larger world of activity to which he belonged.

Thomas Branson died when William was very young. This, joined with the extremely poor educational facilities, gave young William no opportunity to attend any other than a local school. Nevertheless, he succeeded in grasping the principles of arithmetic before he was twelve years old, for he never attended school after that age. Nature had endowed him with large mental powers, and from the earliest he seemed to have superior control over his faculties of mind. Young men who cite such instances to defend their indifference to educational opportunities, should first be sure that nature has extended to them such a beneficent hand as it held out to him. He not only had faculties, but they had impetus, and he was always learning. Minds run down, and growth is arrested, but he had the genius of endless growth.

His half sister, Miss Jennie Prescott, married Mr. J. A. Odell, a merchant in the town of Greensboro, N. C. At the age of twelve he went to live with them as a member of the family. This was a new era in William's life. Mr. Odell is not only a man of stalwart character, but his business genius puts him among the business leaders of the South Atlantic States. Young Branson had the life of this man to touch him from the intimate relation of the home at his most impressible age. This may be called good fortune by some men; it was destiny to William Branson. He went into the Odell home, and the Odell





home went into him. He worked in the store as a clerk, and developed his powers to deal with large and varied classes of men. A young boy behind the counter of a busy store is not in the poorest school. To succeed as a clerk requires energetic study and large self-control. William succeeded.

He did not receive a salary for the first four years. He was a member of the Odell home, and was cared for as a son. His fidelity to the home relations was so marked that his sister was never forced to punish him. Mr. and Mrs. Odell always knew his plans, and as long as he was with them, he never left the home without their knowledge and approval. To him manliness and honor were inseparable, and freedom was obedience to duty and truth. It is no surprise that the confidence which grew up in those years never diminished in later years.

William was sixteen years old when the Centennial Exhibition came on in Philadelphia. Mr. Odell, as an expression of appreciation of him and his work, took him to Philadelphia. This opportunity to look out on the world and feel the throb of its energy and genius, meant much to this lad of sixteen years. He did not return home the same boy; he did not live again in the same world; he came back a larger boy in a larger world. The country school in Randolph county, the Odell home and store, and the trip to Philadelphia, and at the same time a short visit to New York, were the schools in which William H. Branson was educated. In the first, he gained access to books; in the second, access to business and society; in the third, access to the impulses of the world. These three attainments in the possession of a highly endowed man aggregated no small capital with which to begin life.

When William returned to Greensboro from Philadelphia he had his wardrobe and fifteen cents in cash. From this time he became an employee of Mr. Odell on a salary





of fifteen dollars a month. Thus he entered on his business career. In this day of restless youth, impatient for a rapid rise to easy and lucrative positions, the history of William H. Branson is a sharp reproof. He began at what men call the "bottom round," not because those who loved him could not have elevated him at once to a higher position, but because their wisdom suggested a better plan. Men rule best who have served most faithfully in every sphere to be ruled. Young Cornelius Vanderbilt is a common laborer in the shops of the New York Central Railroad in order that he may be a better president of the system. Rapid progress means early bankruptcy, and against this calamity young Branson was trained. As the years passed his salary grew, so having learned to live on a small salary, he knew how to save from a larger one. The best product of education is the control that it gives a man of all the powers of his nature. To think accurately is not enough. Unless a man can master his moral desires, high thinking will prove to be disastrous thinking. William Branson had been trained to deny useless desires, and he was no longer in the way of his own success.

At the organization of the Durham Cotton Mill, in 1884, Mr. J. A. Odell was elected President, and William H. Branson was chosen Secretary and Treasurer. Young Branson was practically placed at the head of this new enterprise, for through him Mr. Odell directed the business. At this time the cotton manufacturing interest entered on the period of expansion in the South Atlantic States. The growth was rapid, but the fact that untrained men were necessarily placed at the head of new mills, made it a critical period. Not only were new markets to be opened and new business affiliations formed, but unexperienced labor was to be trained, and new social relations were to be adjusted. It was into the midst of these problems that Mr. Branson was suddenly thrown. He met them with an assuring faith. He was born to lead



men. He knew how to plan a work, and to organize and inspire his forces. No crisis could throw him into a spasm of excitement, but he was calmest when the ordinary man was most excited. During the business panic of the first years of this decade, he showed no timidity, but maintained that stability which alone can secure the integrity of business. Business genius is rare enough, and great enough to command the admiration of all true men, and only a moral quackery discounts it. It is as foolish to think that every man can build or control large business enterprises, as it is to expect every man to write Shakespeare's Hamlet, or Goethe's Faust. This talent belongs to the few, just as the poetic genius is a rare talent. Too much may be attributed to opportunity, or so-called "good fortune," but the real opportunity is the man. The modern teachers of economy rest their hopes too much in natural agencies, expecting to produce wealth by changing circumstances. The problem is to be solved in the man, not in the conditions, for the man who lacks the power to control circumstances, lacks the very element of success. Mr. Branson did not wait for times to change and conditions to become better, he changed the conditions. The real leader of men will never lack men to lead. By the force of moral energy the public mind moves about him as an appointed center. He seeks nothing; everything seeks him. The large number of enterprises that sought the fostering care of Mr. Branson illustrates the truthfulness of the statement. He was a Trustee of Trinity College, a Member of the Executive Committee of Trinity College, Trustee of Greensboro Female College, Director of the Fidelity Bank, Secretary and Treasurer of Durham Cotton Mill and Pearl Cotton Mill, Director of the Durham and Oxford Railroad, Director of Odell Manufacturing Company, Treasurer of the Joint Board of Finance of the North Carolina Conference, Steward of Carr Church, a Trustee of Church property, and associated in some way with various





other institutions. These were not honorary positions, but enterprises which sought the wise direction of this strong man. So they were to him responsibilities, and got from his closest study and faithful direction. In the meetings of these Boards he was always active. Mr. Branson's success as a business man cannot be attributed to any one element of character. He was a man whose faculties compassed large and varied spheres, so that he put into his plans ideas gathered from many points of view, and protected on every side.

Men who have large aptitudes for business rarely develop social tastes. There is an antagonism between the two spheres, and only men of great adaptability can so harmonize them as to make them serve each other. The business man regards a social occasion as a waste of time, and when forced into a social assembly, finds himself cramped and vexed. Close calculations and stern facts injure, if they do not destroy, those sentiments upon which society rests. The loss of faculties is a common calamity, especially the more unselfish faculties that cannot be traded in the markets. Mr. Branson was an exception to this rule. He could lay aside the calculations of the office, dismiss from his mind the conditions of the market, shut out the roar of machinery, and throw himself with genial enthusiasm into a lawn party of his little girl, or a social function of largest proportions. He was not dragged into these; he had a highly developed social nature. Three things made him social. He was naturally a man of deep and refined sympathies, and could not, therefore, find his life's satisfaction in himself. The second cause is found in the genial associations of the Odell home. In it he had his natural social sentiments trained and gratified. The third cause was a happy marriage. December 17, 1885, he was married to Miss Clara Sargent, of Greensboro, N. C. Two lives may make one great life, or they may destroy each other. The union in



married life is not a legal agreement, to which society sets its approval. It is a mystical unity, where two thoughts and two impulses so fuse into each other as to consume all separate identity in a new and larger expression. This, and this alone, is marriage. Legal contracts and ecclesiastical ceremonies cannot so unite what nature has forever divorced. The law of congeniality is as rigid as the law of gravity, and ruin can only come from an attempt to reverse it. Forced nature is wrecked history. *William Branson and Clara Sargent were married.* She was to him the ideal woman. Genial, sympathetic, loving, and faithful, she was to him a poem, the passion of whose movement was a divine impulse, keeping alive the diviner sides of his nature. With him, she could never degenerate into a soft social show; with her, he could never become a hardened man of the market. Society is at its best, or its worst, in the home. In this house it was at its best. Mr. Branson had his business day, but when that ended he gave himself to his family. The city of Durham will not forget the evening rides he took with his family. The sight was a sermon on "how to love and how to be loved." Little William, his only son, was sent to the home of a neighbor on the morning of the accident that robbed him of a father, and was not allowed to return home till night. He was brought into his mother's room just at the hour of the day when the family circle was at its best. The little fellow at a moment felt the distress of his father's absence, and his first utterance was, "Mamma, where is papa?" His little life had its joys in the hours of a father's presence in the home. Little Annie's parties, his wife's social occasions, companionship with his friends, and the annual social functions of Trinity College, all received his best contributions of joy and gladness.

His social nature did him great service in his business relations. It not only gave him ready access to the sympathies of men with whom he had transactions, but it saved





his business plans and methods from the monotony of hard and cold mechanism. Between the manager and the laborer there must be something more than a contract. Otherwise, trickery and suspicions arise that hinder, if they do not ruin, an enterprise. Legislation can do very little, if it can do anything, to prevent friction between capital and labor. Likely, it has created more friction than it has prevented. The friction has its rise in that margin which lies outside of legal control, a sphere which modern sociologists have ignored. There must be a point of personal contact between labor and capital, and no increase in wages will ever act as a substitute for this personal and moral bond. Labor wants the inspiration of personal regard; capital wants the assurance of personal confidence. The necessity is a common necessity. Mr. Branson solved the problem, just as very many other wise men have solved it. He touched the lives of those who worked under him with a sincere sympathy and regard. He did not patronize them, as he did not patronize any man. He never called them his "operatives," "hands" or "laborers," but "our people." This was not a conventionalism, for he held them in the high esteem of kinship, and never met them on any other basis. The entire community organized around him with perfect confidence. Free himself from the feelings of lordship, they were free from the sense of serfdom. Friction is not possible under such conditions, and the sorrow of "our people" when this man was smitten down, attested the wisdom and sincerity of his leadership.

When Mr. Branson was seventeen years old he was converted at a meeting held in West Market Methodist church, in Greensboro, N. C. At the same time he joined the Methodist church. His parents were Methodists, and his associations after he left the home of his mother, preserved in him the faith of the household. He was never a bad boy, and knew nothing of "sowing wild oats," an expression used to apologize for the unnecessary sins of





youth. The most intimate companion of his boyhood tells with joy that he never heard young Branson use an impure word, or relate an unclean joke. Upon this foundation of purity and integrity rested his faith in the power of Christ to save him. Into his church membership he put all of his energies. He was a great churchman, studying the doctrines and polity of his church, and using his knowledge for its best interests. He was no bigot, but he was loyal at all times to the church of his choice. In every matter affecting the work of his church, he supported an aggressive policy, and took a broad view of every movement. With the ethics of narrow and selfish men he had no sympathy. Though young, he was one of the most potent factors in the North Carolina Conference. In his own church, his pastor found him an ideal layman, true to his vows, active in all church work, and the center of greatest influence. He was not only active in the business of the church, but in revival services gave his energies to the one work of saving his fellowman. As treasurer of the Joint Board of Finance the entire financial work of the year in the North Carolina Conference passed under his review. He was always present at the sessions of the Conference, never allowing business to keep him away, or to call him home before his work was finished. No man ever heard him complain that the church work interfered with his business. He did not carry his factories to the Conference sessions, and did not fret to return to them. Such fidelity commands confidence, and his church was glad to honor him. Some men use church honors for selfish ends, and seek them for distant aims. Mr. Branson sought nothing; everything sought him. Twice he was a member of the General Conference; the first time at the session of 1894, in Memphis, Tennessee, and as an alternate in the last session, which met in Baltimore, Maryland, May, 1898. In this body he was an important legislator. Broad-minded, aggressive, and wise, he threw his influence where



he judged best for the life and progress of the church. His faith could not be disturbed by those alarmists whose mental horizons were tortured with imaginary storms. "Their wild dreams do not disturb me," he would say. "Our Bishops are wise and godly men and we can risk them," was fundamental with him. Some men are monumental characters whose records impart assurance and give great stability to cardinal truth. In the church, William H. Branson was such a character.

He was a true man. His appearance spoke out the magnificence of his character. Tall and erect, weighing nearly two hundred pounds, with a large head, broad brow, bright and expressive eye, strong features, and noble movement, he was the embodiment of high honor and noble impulses. He had the model figure of a hero. God does not build such temples in which to house bats; the occupant of such a divine structure has exalted rights which, if obeyed, makes him God's nobleman. William H. Branson obeyed them. He was just reaching up to that period of life when everything is full of glad prophecies. All the years of his life were years of apparent preparation, and his friends rejoiced that the depth and breadth of the foundation measured an immense future. In the glow of these hopes, death came to him while he was in the path of duty, the only path in which he ever made a foot-print. A darker shadow never fell on any community than the one that came to the city of Durham when, on the seventh day of April, 1899, William H. Branson, by a fearful accident, was taken away. In him seemed to be unborn history. It will have its birth in higher realms, for there is no cessation of life. Noble powers may not have sufficient time in this life, they will get it in the life beyond.





## A SANER CITIZENSHIP.

ADDRESS BY JUDGE HENRY G. CONNOR

On the occasion of the first annual Civic Celebration of the Trinity College Historical Society, February 22, 1899.

(Stenographically Reported by D. W. Newsom.)

*Ladies and Gentlemen :*

When, at the conclusion of the last political struggle in this State I came out of it somewhat the worse for wear, I was in a frame of mind which made me willing to accept an invitation to do almost anything that looked to the welfare of North Carolina and her people. It did not occur to me when the kind invitation came, that in the discharge of the duty of this hour I should find myself wearied in mind and body, by the duties of the Speakership of the House of Representatives. If so, I should not have taken advantage of the invitation of the President of your Historical Association to impose my thoughts upon you. But I have in the past forty days lived in an atmosphere in which a great deal has been said about the keeping of pledges and promises—a most convenient thing for politicians to do or not to do, according as the exigencies of the times, and the political outlook may suggest to the prudent. I am reminded that “boys make men,” and we men to-day are interested in how the boys are going to think and act. I am not announcing myself as candidate for any office, but want to say a word in season. I have found it very prudent about my own household, not to make promises unless I intended to keep them. I bring to you a message, and trust that you will pass my imperfections by, in regard to the manner of its delivery, in consideration of what I have been endeavoring to do for the welfare of the State.

It is a subject of congratulation to me, as to every citizen of North Carolina, that this institution, under the guidance of these able and zealous gentlemen who so well



lead you in the paths of knowledge and fit you for the duties of citizenship, has established this Society and has inaugurated a series of exercises upon this day. I shall not undertake to indulge in any eulogium upon the father of our country—a subject which has not been exhausted, because it is inexhaustible—but I shall undertake to present to you some thoughts suggested by the example of this gentleman and citizen. The words given you in his message, which has just been read, present him to you in a far better manner than I can do, but we are reminded upon this day when we consider the life, services and example of George Washington, that the heritage which he left us was not only one conferring great rights and privileges but imposing responsibilities and duties. It is the part of wisdom, where one is the inheritor of these, to seek for, and learn to discharge, those duties. It has occurred to me that it would not be an entire waste of this hour, to talk about the demands, the needs and the necessities of North Carolina in a special sense, and of our country in a larger and more general sense, of the coming generation, of the boys who are soon to be men. We are living in a most interesting, I will not say “the” most interesting, age; and it may be that when the history of these days is written, unprejudiced historians will tell our children that we did live in one of the most important periods of the world’s history. We have passed through one of the centuries filled to overflowing with important events, respecting the welfare of the human race. But what the coming century has for us will depend, in a very large measure, speaking from a human standpoint, upon the lessons which we learn from the past and present, and the manner in which we use those lessons, in the discharge of those duties which will come to us in the near future. There can be no question that the political, social, and industrial conditions which demand our attention as citizens, do call for and demand a sane—that is, healthy, strong, type of civic virtue





and manhood. Civilization is but the result of those forces, social, intellectual, and political, which are constantly working out their results, using human agencies as the factors in the problem. That these forces have culminated and brought forth in these the last years of this century, conditions of exceeding interest and importance, no thoughtful man can fail to see. It forces itself upon the attention of all thoughtful men. The first requisite for a good citizen is that he shall be healthy-minded, that he shall be sane, that he shall not be insane or unhealthy. I think it is Carlyle who says, in speaking of Scott, that he was of all men the "healthiest-minded." That is, he had that type of mind and character which took a sound, sane, healthy view of life, its duties, responsibilities, and problems. He says that to be healthy-minded is no small thing. It has sometimes occurred to me that many of the political evils which come to us, and prevent the logical working out of the political forces by which we are surrounded, are brought about by a want of a healthy-minded citizenship, a failure on the part of the citizen to take in the entire situation. A man must not simply look at one side of a problem. That is what we call small politics. There are some who have been in our General Assemblies, if not in the one now in Raleigh, who imagine that every time they vote upon some little measure, for instance, whether the Clerk of the Superior Court shall have twenty-five or fifteen cents for some services, his whole political future is involved. To see these men talking at white heat upon such matters is amusing. Now that is what I call unhealthy-minded citizenship; men who permit their minds to be distracted in dealing with large problems by such influences are not healthy-minded, they are affected too largely by the small things. The truly healthy-minded man enjoys all his surroundings and conditions, because his body is in a healthy condition, and he breathes the pure air and all which comes with it, and he gets life and





beauty and happiness out of it. So the healthy-minded man morally, as I believe Mr. Drummond says, is "in correspondence with his environments." Now the thing to do is to get in a healthy environment and then get in sympathy with it. This is what we need in North Carolina, because, as I said, we have passed through a period in which there has been great disturbance, in which conditions have been such that the healthy laws of political life have not been permitted to operate, or their operation has been disturbed. I am not going to talk to you about any practical political questions. That the political development of affairs in North Carolina has been disturbed by conditions, and I think, to a very large extent, by some very unhealthy conditions, is beyond controversy.

We have reached a period in the political development of North Carolina, when the people have said that they desire to get upon a healthier basis; and to do so, it is necessary that some very important changes be made in their laws, both statutory and organic. These changes are going to impose upon the citizen a degree of responsibility, and upon you young men, duties and responsibilities which will demand the exercise of your very highest faculties. One of the first questions for a healthy-minded citizen to ask, is whether a proposed measure is right. That is the first question which a healthy-mind asks itself. Too often it has been the case in the past that this question has been passed by. Too many simply ask whether it is expedient. Undoubtedly, conditions have existed among us which *have* prevented, I do not say *ought* to have prevented, the best and freest exercise of the highest type of citizenship. We who are living factors in North Carolina, hope that by our efforts, and by the endorsement of the great mass of people of North Carolina, we may present to you, when you shall enter upon the stage of life, conditions which shall enable you, and shall demand of you, that you shall never answer a question



in regard to your political duty in respect to its expediency.

As we all know, this question has given grave concern, and been a disturbing factor in the development of a healthy and sane and civic mind in North Carolina. In obedience to what we understand to be the will of the people of North Carolina, we are seeking to get rid of that disturbing factor. Till we do it, past experience has taught us that it is not possible to give free play to the best type of citizenship in the State. If we shall succeed in the effort there will come to the white man of North Carolina, having put this thing away from them, responsibilities which will call for the very highest, sanest, strongest type of citizenship and manhood. I would impress upon you young men, I would impress upon your minds and hearts, that you must learn and begin now to understand, appreciate, and strengthen yourselves for the discharge of those duties which will come to you when you shall have in your keeping the manhood, reputation, and character of North Carolina; when the political antagonism between the two races shall have disappeared, as I most firmly believe it will do, believing that in my effort to bring it about I am acting from the highest patriotic motives, and without any reward for any party views in this matter, but looking at it as a man and citizen. When done we can no longer excuse ourselves from discharging our duties in regard to the Negroes of the State, but we must meet the responsibilities like men, like sane, sound, virtuous-minded citizens. A man who has no higher conception of what "white supremacy" means in North Carolina than the subordination of an inferior race to the superior is an unpatriotic citizen. It is not for any such purpose that I tell you that for night after night, till past midnight, the best thought of the Assembly of North Carolina has gathered together and worked and struggled to bring about this result, and I trust that the people of North Carolina, and especially the young man-





hood of North Carolina, will not so understand it. When we present to the people an opportunity to remove this disturbing factor from them we at the same time present to them the demand to take with this deliverance a sense of responsibility for these people. This is one respect in which those conditions which are soon to come upon us demand a high order of sane citizenship—to deal justly and rightly with these people, to see that their rights are protected. And by so doing we strengthen ourselves. The whole philosophy lies in this, that in constant antagonism and struggling for supremacy, the worst of both races is brought into play, but by removing this condition, the highest, best and purest motives of both races will be given play and operation. We trust to the young manhood of North Carolina that we shall not be disappointed.

The next subject which engages my mind on this line of thought is this: I believe that the Rip Van Winkleism, with which North Carolina has been twitted, is a thing of the past. If you observe the tendency and the signs of the times in North Carolina, and in keeping with the entire nation, we are on the eve of a great forward movement in the development of industries and in the accumulation of wealth. The carrying of our commerce into all parts of the world, the unbridling and loosing of American commerce and going into the markets of the world to compete with all other nations and peoples, is to my mind one of the brightest signs of the times. I have longed to see the day when commercial slavery should be ended; I believe that the very highest type of manhood is produced by the freest possible play of those faculties with which God has endowed man, so I believe in a community sense, the highest and best in the community, state, and nation, is brought about by the freest possible play of those forces which build up and make a grand and glorious people. Were it in my power I would raze every custom house in the world. They have been the barriers of Christian civil-



ization, done more to delay the time when there shall be a common brotherhood among all the peoples of the world, to retard the development of the human race, to bring about wars and strife, to develop selfishness, and to cause a thousand other obstacles to the highest development of the peoples of this world. I think I see in the signs of the times a removal of these barriers, and as this comes about you are going to find that right here among us, and I see it every day, I see it when sitting in the speaker's chair in Raleigh, when bills are sent from every section of the state, asking us to charter industrial corporations and make the waters do service, to give to the state opportunity to develop its great resources. Now this condition of things is going to bring about a demand that we shall regulate and practically control this new development, this new spirit of enterprise and progress in North Carolina. Nothing that is good should be obstructed, but we know that some times it happens that the very highest aspirations of man have to be guided with discretion, because something is said to us about a zeal that is without knowledge. Therefore it becomes the duty of a sane, sound citizen in North Carolina, to deal wisely with these forces. To thwart or to hinder the development of the state by legislation, to say to the young man whose mind is active, who sees in the river that he passes along in the forest that surrounds his home, an opportunity for usefulness in the acquisition of wealth, that we will not encourage him, to stifle that ambition, is unwise. We should see to it that it develops along healthy, sound lines, that shall work out the highest and best results.

Freedom is defined somewhat like this: It is the right to exercise ones faculties, to do those things which one has a right to do, and in doing them not to interfere with others' rights to exercise like faculties. When you get that condition of things, then you have a Utopia, when every man can move along in harmonious relation with





every other man, working his destiny and reaching out for the highest and best results of his labors, without doing any injury or injustice to any other man. Then you have a sane, sound, political condition, and it is to that end we should strive. In doing that you find a great many disturbing elements.

In the first place, when you go out and begin your life work, you will find a great many people who are always believing that the country is about ruined, that this or that particular industry is overdone, that this or that thing don't pay. These croakers who go about complaining because, forsooth, they have not put in enough industry or skill, have not been willing to fit themselves to discharge the duties of life, that therefore it can't be done. They are unhealthy, or sickly people. A healthy-minded, healthy-bodied young man who has built up for himself a strong, vigorous body, and strong mental, or moral calibre, should not be discouraged by them. I have been hearing about this old state being on the down grade ever since I was 21 years old. In the town in which I live I have heard it prophesied year after year that the town had outgrown itself and was not going to grow any more. I have some friends there who thought that real estate had reached the very highest value years ago. Yet it is higher to-day, worth more, more folks want it, is put to more useful purposes, than ever in the history of the town. So don't get discouraged when you encounter these sickly minded folks, who are always prophesying that the State of North Carolina has reached its acme and is going to take a down grade. That is not a healthy-minded condition. I was very much pleased in reading the other day what I thought was one of the best addresses which I have read for many years, that of Senator Hoar, from Massachusetts, made in Charleston. I think it was one of the best tributes to the civilization of South Carolina and her people, and one of the finest settings forth of the present conditions, by a





wise and good man, I ever saw. He said that the older he grew the more hopeful he became and the more confidence he had in his fellowman. And it struck me that no human being could have paid to that old man so grand a tribute as he unconsciously paid to himself. He had evidently led a healthy life, he was in a healthy frame of mind. He is a man of seventy years, who has spent a large part of that time in public life. And that which gave his words a special value, was that he was in a city and said those words, and applied them to the conditions which he there found, a city which, some forty years ago, expelled his father because of his views about a peculiar institution to which those people were then attached. Now, gentlemen, I tell you it demands a *man* to have said those words, and to have said them in that place. If you and I can live to be three score and ten years old, and can, at that time, give that testimony, if that is our experience, we shall have lived to a grand purpose. The address so impressed my mind that I love to dwell upon it. There are thousands of like experiences. I believe it is the experience of all good men, but it was so generous and brave to have said it then and there. I trust that the time will come when the very highest type of manhood in North Carolina can go to Boston and say the same thing.

Speaking upon this line of what I think to be the future of North Carolina, in respect to the industrial development of the state, I want to say this to you, gentlemen: A man who makes the accumulation of wealth to worship it, to make an idol of it, is a base human being; but the man who makes it, who works and labors and makes it honestly that he may use it for the benefit of his fellowman, is entitled to and should receive, the respect of all good men. Of course advantageous circumstances often give a man an opportunity to make great wealth. You go into the country where our boys are raised, walk about the roads and come upon an old man who has a good farm and a



comfortable home, talk to him and you will find that he is a sane man. He may not be an intellectual man, or have a very broad view of questions, but you will find in general, that he is a man endowed with a good strong mind, and has got sense. I do not speak about those men who, by sharp practices, make money. That is a different class of people altogether. Now, I favor very much that we should put into the constitutional amendment the provision, that a man who has three hundred dollars of taxable property, should vote, whether or not he could read or write. I believe it would be a conservative provision in our law. Were you aware that, by the laws of this state, for many years a man could not sit upon a jury unless he was a freeholder. There is nothing in the possession of a piece of land that confers upon him any fitness for service upon the jury, but it was a recognition of the fact that he had a stake in the welfare of the state, and that was the philosophy of it; that if he was a freeholder and took enough interest in his country and state and family to buy for himself a home, that it gave him an interest and made him a conservative citizen.

Now, there is another thing that I think indicates in a high degree a sane, sound citizenship—and I say that in North Carolina we haven't got as much of it as we ought to have—and that is "patience." Did it ever strike you how many failures North Carolina had to record because her people were so impatient? They were so unwilling when a new line of work was undertaken, to wait and abide the result. I do believe that more harm is done to our best development by this spirit of restlessness and unwillingness to wait than any other. They too frequently forget that you cannot manufacture institutions. You boys have learned this was tried in the early settlement of North Carolina. A wise philosopher in England sat down and wrote a constitution for North Carolina, and it was a beautiful piece of work, but you know that when they





sent it over here and tried to make it fit our people—these people that lived in the woods and had good practical sense, they rejected it. It had not grown out of their political conditions and wants. Probably there is nothing in North Carolina affecting its material welfare, which is more needed than good roads; and yet I pledge you my word that if you read the statutes of North Carolina for the last fifteen years, there has hardly been a road law passed by one legislature that was not repealed by the next. I want to say one thing to you about that sort of thing, that in the development of the material resources and other interests of the state that you must have patience. The good things in this life don't grow in a day. One of the saddest and yet one of the noblest lives I ever read in this day and generation is that of Mr. Gladstone. I think he was one of the finest specimens of manhood the 19th century has produced, and pardon me for saying so, but I believe I have read every biography that has been written of him. But this thought always occurs to me in reading of that old man in his great efforts to advance the highest and best interests of his country, that it did seem that every time when he was about to accomplish the great work he had in hand something happened for which he was in no sense responsible, which thwarted and dashed all his hopes. And yet that old man never complained, but went right ahead. He finally succeeded in a large measure. One of the lessons taught us by that old man is the necessity for patience. That is equally true of him whose birthday we celebrate. General Washington rendered to his country no greater service than that which he did between the treaty of peace and the making of the constitution, and that service was rendered not on the battlefield, but when he was with patience and courage holding together the discordant elements which had come out of that great war of the revolution, and which were threatening to separate, dis-



tegrate and destroy the results of that great struggle. If you will permit me, in the presence of these professors, I will advise you to read that chapter in the life of Washington in which he reached the very highest point of greatness. When his soldiers, feeling that injustice had been done them under the instigation of General Gates, and others were threatening to destroy the fruits of the great victory which they had won under his leadership. How he waited and waited! How he held together all those discordant and disturbing elements till, in the Providence of God, and the operation of social and political forces, the constitution of the United States was formed and fixed as the basis upon which has been built the grand and glorious progress of this American nation, and by a due regard to which is to be gained all that is safe and honorable for this great nation in the future.

It is a high test of citizenship to be patient—not to be restless, not to be disturbed by the little passing breezes. Do as David Crocket said, “Be sure you are right then go ahead.” Stick to your guns, and if human experience is worth anything in life, you shall have your reward. There are men in North Carolina to-day who are striking illustrations of this truth, men prominent in political life, who have been rejected over and over again by the politicians. The late Judge Merrimon said to a young man who got uneasy about his political future (he had voted to prohibit the sale of liquor, and the wise men told him he was *done for*, in the political phrase) Judge Merrimon said to him, “Now my young friend, if you want to run for Township Constable, I think that thing would hurt you very much, but if you have aspiration for anything great and grand, do not trouble yourself about it. Be patient and wait, because the patient judgments of men will always be just and right.” It is an unhealthy condition of mind that permits itself to be disturbed and restless over every little obstacle.





Now, another thing. It is not necessary that a man should exert a considerable influence over this world, or that in his life he should be a United States Senator or a Governor. The fact is that we have got a Governor in North Carolina who is just now exerting as little influence as any man in the State. If it wasn't that I am reminded every day that I see a door leading to the executive office, I should have forgotten that he had any office. That is rather a sad condition of things. Why is it so? I will not stop to inquire. I hope it will not be so in the future. But what I was going to say, is this: It is not only necessary that a man shall have character himself to make a good citizen, but shall have enough force behind that character to impress itself upon the community in which he lives. There are many men in North Carolina to-day who are good citizens, that is to say, who pay their debts and taxes, but do not bother themselves about who is nominated for office. If a question comes up in their community, affecting its material or moral interests, they put their hands in their pockets and say like Gallio of old, "we care nothing for those things, we have our families to look after." If they are merchants, they say, "we have our customers to look after, we don't care about these questions." If lawyers, they say, "now our clients take different views of these matters." Now my young friends, such are not sound, strong citizens.

It was said to me by a gentleman in North Carolina some time ago, speaking of one of the best men we had, Judge Joseph J. Davis, "There never arose an issue in the little town in which he lived, that he did not take an active interest in it. No matter what it was, no body had to wait to find out his opinion, because he had at once arrayed himself on the side of right and put his character in the scales." I tell you I have very little sympathy with men who sit about in their stores and offices and on the streets and whittle goods-boxes and the like, who are always talking





about the bad men in their town government, and those who are not the right sort to make aldermen, and this and that always wrong; yet when you call a meeting to get the expressions of the best and highest citizens in the town you never find them there. It is not necessary, and I do not advise you, to be politicians, in the sense that you should enter into the scramble for office, except in so far as it gives you an opportunity to discharge high and responsible duties. In that sense there is a great deal in it. It is not necessary for every man to enter into political life in that sense, but it is necessary when you get twenty-one years old and you get what of course all students are going to get, an education, to be true to the State and the community in which you live, and every time an issue comes up in your town, if nothing more than opening a new street, if it affects the health, the moral, the mental, or any other interest of your town, make up your mind what your duty is and be active. And then you have been a sane citizen. I did not come here to tell you anything new, my young friends, but there is another thing. Be conservative, and what conservatism means is this: it does not mean to be an old foggy about things, but being conservative is always to do this: first, find the condition in which the subject matter of any proposition is; find out its past; if any evil incrustation has grown up around it which demands to be stricken from it, go to work and strike it off, but do not destroy the thing itself. That is one serious trouble in American life, we have not enough reverence for the past. I think it was Burke who said that the great strength of the English people lay in the fact that they never cut loose from their past. They took that which was and made it the basis of that which was to be. You see a striking example of the contrary in the conduct of the French. When things don't suit them the first thing they do is to cut off the heads of the king and of a number of other people, and then some idealist fixes up a scheme of gov-



ernment, ill-suited, and they undertake to fit it on to their body politic, and the last condition is about as bad as the first. The Englishman does not do anything of that kind. When he finds that a certain unhealthy condition exists, he destroys the condition but not the government. As Tennyson says:

"May freedom's oak for ever live  
With stronger life from day to day;  
That man's the best conservative  
Who lops the molded branch away."

It is to preserve the trunk, the germ, the thing. Knock off the dead branches, and growth that is not healthy. As an illustration of this, we felt, and we feel, that we have a growth, something that is not natural, that would not have been there if wisdom and sanity and sound statesmanship had been there; something that has been fixed to the body politic, and in the interest of the thing itself, and for the preservation of the best there is in the State, we cut it off and separate it from ourselves. We get rid of the body of this death that has been hanging upon us. That is conservatism, not radicalism. I say to you that it was the most intense conservatism in the General Assembly of North Carolina that fought day and night for the Constitutional Amendment which will be submitted to the people of North Carolina. It is not radicalism. It was the conservative element in that body that produced that document and it was by labor and effort that the people of North Carolina will never know. That document, whether it will be indorsed by the people of North Carolina, it will not be for me to say, but it was wrought by men with tears in their eyes. I saw men wrestling with what they thought to be duty to themselves, on the one hand and duty to the State on the other. That was generous and manly citizenship. We need that.

Your Historical Society is doing a great and noble work in unveiling the records of the past that you may see what





has been done by the good men of North Carolina, that you may learn and preserve that which is worth having and saving. It is by conserving and preserving the best of that which is, as the basis of building up the best and highest which is to be. That is wise, sane, conservative.

Now I have taken up more of your time than I intended. I confess that this is a subject in which I am deeply interested. I know that you, young men, whose minds and hearts are being stimulated day by day, feel an interest in it. I know that these thoughts, whether you agree with me or not, are of interest to you, and I have taken the occasion to avail myself of your kindness to say this much. But let us all remember that in addition to, and as the complement of, these things, that the highest and best standard of citizenship is always measured by a faith in God and man. I have no confidence in the political purity and welfare of any community that is not based upon Christian manhood. You need not talk to me about a man's having faith in man, who has not faith in God. It can't be. I think it is Benjamin Kidd who says that the work of the people who have done anything for the upbuilding of their State, is based upon a recognition of a supernatural power, something divine. We should, in dealing with these questions, remember always, not that we should in any sense, or under any circumstances, pass the line which the wisdom of the fathers and the experience of the past have shown us, in respect to the mingling of the affairs of church and State. But the difference between the preservation of Christian manhood, and the mingling of church and State, is as far removed as day and night. Cultivate these virtues of manhood and citizenship, but remember always that the basis upon which they are to be built, and the only safe basis upon which the individual or political life of the community can be founded, is the recognition of the great truths taught us by God himself, an implicit faith in God and man. Do that, and then wisely abide by the experiences



of the past, a recognition of not only the present conditions by which all interests are to be harmonized, to be made work for the glory of the State. Then, and not till then, may we hope that this grand old commonwealth may take her place beside others of her most prosperous sisters in the community of States, that we may exert our influence in the affairs of the nation; when these new problems shall be for us to deal with, we may be enabled the better to take our stand beside them and move along side by side with them in a national sense, in working out the problem upon which the hopes of the whole human race depend because as the history of this great republic soon is to be written for the next century, so I believe the history of the whole human race will be written. So it has been given to us to carry the light of Christian civilization, where, I do not know, but wheresoever His hand points and guides and directs it is our duty to go.





## THE CONGRESSIONAL CAREER OF THOS. L. CLINGMAN.

BY JOHN S. BASSETT.

The sketch of General Clingman which his niece, Mrs. Kerr, contributed to *THE ARCHIVE* for March, 1899, deals with the personal side of her distinguished uncle. It has, therefore, seemed to me that a further sketch which should deal with his political career would not be without value to North Carolinians. There have been many sons of our State who are ranked by their admirers as the equals of General Clingman in political ability; but there are few who can be thought to have equaled him in party prominence. His tireless activity kept him thoroughly up in any line of business in which Congress might be interested. In the exciting debates that preceded the Civil War he made it a custom not to retire before two o'clock. He soon was able to learn who were the men who were up latest and by talking to the others early in the evening and to these later on he was able to exchange views with a large number of men, so that when he went into the House in the morning his information as to the latest changes in public opinion was remarkably accurate. His impetuosity, fearlessness, and honesty made him an effective debater. He was ambitious. He determined early in life that he would be President, and but for the sectional issues that stood in his way, it is possible he would have reached that goal. He had the good sense to be a practical politician in the better nature of the term. He knew the people, without pandering to their prejudices; he knew the point beyond which it would not be safe to try to lead them, and in the event he was with them. More than this he was a man of the people. His ideals were their ideals and it was no violence to his conscience when he stood for the things they believed in. He was not fastidious in his dress, although he was neat. He loved homely virtue and those who knew him well believed that in this respect his love was but an outcome of his own character.





It was in 1842 that he was first elected to Congress. He was then thirty years old. In politics he was a Whig, but he was too original in his way of thinking to yield himself to the current of a party majority. He always ran as an independant candidate, and late in life congratulated himself that he had always been free from the tyranny of a nominating convention. His district was a mountain district, lying around Buncombe county. The inhabitants were as independent as he. They were accustomed to look more closely at the leader than at the party. To them he became an ideal—"Tom. Clingman" he was affectionately called by man, woman, and child. He first asked these people for their suffrages in 1840, when he was a candidate for a seat in the State Senate. They responded liberally and he was elected by two votes to his opponent's one. In 1844 in one of his first speeches in the House of Representatives he said of the people of his district: "My district is unapproachable. She stands alone in her strength and dreads no contact with Democracy. On the contrary she courts it. She would gladly embrace in either arm the two strongest Democratic districts in the State and they would fall under that grasp as did the columns of the Phillistine edifice before the strength of Sampson." His prediction was a good one. As long as he led the Whigs in his district the district was theirs beyond question; and when at last he appeared as a Democrat candidate he carried it for that party.

His first notable action in the House was to oppose the rule by which the House refused to receive petitions to abolish slavery. This was a measure which the Southern members, whether Whigs or Democrats had supported generally. It had arisen out of a foolish idea that such petitions were insulting to the dignity of the South. It had given the abolitionists an opportunity to cry that the right of petition was abrogated at the behest of the overbearing slave-owners. Moreover, it did not stop anti-



slavery petitions. On the contrary they came faster than ever. Mr. John Quincy Adams, who was the leader of the anti-slavery sentiment in Congress, always appeared at his desk on the day for receiving petitions behind a huge pile of those documents. To read the titles of these and to refuse to receive them had a greater effect on the popular mind than to have received them would have had. Mr. Clingman realized that the rule in question was inexpedient from a party standpoint and in point of fact futile. He with a half dozen other Southern Whigs voted against the rule and it was defeated. He gave his reasons as follows: "I voted against the rule excluding abolition petitions, not only because I regarded that rule as an infringement of the right of petition, but because I was well aware that most of the citizens of the Northern States viewed it in that light; and I was not willing to do violence to the feelings of a large portion of the Union, for the mere purpose of preserving a rule that was of no practical advantage in itself." It is certain that his opposition did much to defeat the measure.

His next notable speech was one delivered on January 6, 1845, on "The Causes of Mr. Clay's Defeat." There was in Mr. Clingman a strain of Indian blood, his mother's grandmother being Elizabeth Pledge, a daughter of the Cherokee chieftain. It seems to me that from this source Mr. Clingman must have received a certain amount of savage vindictiveness, which came to the front only when he was aroused and which spared no feelings. Here the speaker was smarting under the recent defeat of Mr. Clay, to whom he was ardently attached. He was in no mood for mercy and he attacked his opponents in the most candid manner. He charged them with favoring the abolitionists in the North and opposing them in the South, with being held together solely by "the cohesive power of public plunder," with favoring a high tariff in Pennsylvania and opposing it elsewhere, and with deliberate





"misrepresentation and fraud" generally. Mr. Polk was accused of using language "as doublefaced as the responses of the old Delphic oracle," and the history of the world afforded no other "example of fraud and falsehood on a scale so extensive." The Democrats were charged with election frauds through the use of "repeaters" as well as through illegal voters. The members of the "Empire Club," a political organization of New York which had rendered good services to the cause of Mr. Polk, were denounced as "gamblers, pickpockets, droppers, thimble-riggers, burners and the like." Moreover in this case he gave a bill of particulars. This he did with great plainness, so that there was no need that any one should not see what he meant.

Mr. Clingman was never an admirer of Mr. Calhoun. In fact he regarded that gentleman as inimical to the true interests of the South, and at this early period in his career in Congress he was accustomed to speak of him with much bitterness. In this speech he said: "Mr. Senator Benton did great injustice to John C. Calhoun, when he said, if common report be true, that the same John C. Calhoun, so far from being a statesman, had 'never invented even a humbug.' The fact cannot be disputed that John C. Calhoun was the first to take 'the very highest ground for the South,' the prime originator of the policy of objecting to the reception of petitions, of which the twenty-fifth rule was a parcel. Hard then is the necessity which compels the peculiar followers of that gentleman to make a burnt offering of the first and only offspring of that idol." Later on in this same speech he again took up the same subject. He said: "As I have had occasion to allude to John C. Calhoun, I take it upon myself to say that looking at his course for more than twelve years, with the exception of a few years after 1837, when he hoped from his new connection with the Democratic party that he might become President of all the United States.—I say, sir that



his course, whether considered with reference to the tariff and nullification, to agitation on the subject of abolition and slavery, or his mode of managing the Texas question, is precisely that which a man of ordinary sagacity would take who designed to effect a dissolution of the Union. And that such is his object can only be denied by those who hold him a monomaniac."

Of this speech Mr. Clingman himself said: "To those unacquainted with the state of political excitement then prevailing, this speech will seem excessively violent; but in giving expression to my own earnest feelings, I did not exceed the bounds which party friends justified. The Rev. Mr. Hammett, a Democratic Representative from Mississippi, but a personal friend, afterwards told me that I had said the bitterest things ever uttered on the floor of the House. Mr. Mosely, of New York, a political friend, said that the Democrats, while I was speaking, reminded him of a flock of geese on hot iron. During the first part of the speech, Dromgoole, of Virginia, who sat just by me, seemed to enjoy quietly my hits at the Calhoun wing of the party, between which and the Van Buren or Hunker Democrats there was much jealousy and ill feeling; but after I had directed my attack on the Northern wing of his party, his manner changed and his countenance indicated much anger. I was subsequently told that many members of the party insisted that unless Mr. Yancey, who obtained the floor to speak the next day, would assail me violently, that he should give way to some other member of the party. Hence his remarks, which led to a personal difficulty, were perhaps influenced to some extent by the wishes of his political friends." To the Whigs the speech was greatly satisfactory. It opened the eyes of many of them and aroused the indignation of all; so that Mr. Clingman was of the opinion that at that moment they might have carried the country.

The Democrats did indeed put up Mr. Yancey to reply to





this speech of Mr. Clingman's. Ordinarily Mr. Yancey's speeches were dignified, cultured, and considerate. As a whole this speech, as it appears in the *Globe* was of the same nature. But in a short passage he referred to Mr. Clingman in terms of the greatest contempt. This was more than that gentleman would take. He was a born fighter and no one who knew ever doubted his courage. He challenged Mr. Yancey to fight a duel. The latter was an excellent shot. He accepted and chose pistols for his weapons. At the first shot Mr. Yancey missed and Mr. Clingman unwilling to make any woman a widow fired over his antagonist's head. Then friends interfered and the affair ended.

Except for his position in favor of receiving anti-slavery petitions, Mr. Clingman had at this time said but little about the slavery question. The Wilmot Proviso, however, made it necessary for him to take a stand. Accordingly on December 22, 1847 he spoke on "The Political Aspects of the Slavery Question." He began by discussing Mr. Calhoun. That gentleman had said in the Senate that the territories being common property of the whole Union, Congress had no right to exclude from them any citizen from any State. This statement, said Mr. Clingman, was not true. The territories were truly held for the use of all the people; but all of the citizens could not go to one State. Congress could not carry out that kind of a distribution, but it could do the next best thing; it could distribute the territories among the citizens on a sensible basis. He thought, furthermore, that Congress might regulate all property in the territories, acting however under the provisions of the Constitution. But it must be just to all citizens. He did not discuss the moral grounds of slavery, but he spoke very bitterly of the abolitionists, whose influence, however, he thought to be of no consequence. As for the negroes themselves he pronounced them an inferior race and by no means able to exercise the





gift of citizenship which the abolitionists proposed to give to them.

The most striking part of this speech is that in which reference is made to Mr. Calhoun. Mr. Clingman now returned to, and amplified, the charges he had hinted at in his speech of March 7, 1844; viz., that Mr. Calhoun was responsible for the great feeling in the country on the question of slavery. He said: "After the unpleasant difficulty growing out of Nullification had been satisfactorily settled, there was a general disposition both at the South and the North to bury all sectional and local ill feelings and differences. Unfortunately, however, for the repose of the country, Mr. Calhoun, who had been a prominent actor on the side of Nullification, found himself uncomfortable in his then position. The majorities of everyone of the Southern States were not only opposed to him politically, but viewed him with suspicion and distrust. Being ambitious of popularity and influence, he sought to restore himself to the confidence of the South in the first place and seized upon the slave question as a means to effect his end. He professed to feel great dread lest the North should take steps in contravention of our rights, and to desire only to put the South on her guard against the imminent danger which was threatening her. He only wished to produce agitation enough to unite the South, though every body knew that there was, in relation to this subject, no division *there*. Whether he had ulterior views against the integrity of the Union, it is not my purpose to inquire; I am only looking at *acts*, not inquiring into *motives*. The former obviously looked to the creation of a political party based on the slavery question." To this general charge he proceeded to bring evidence. The conduct of the *United States Telegraph* was cited. In 1833 this journal was known as the organ of Mr. Calhoun. It was edited by Mr. Duff Green. It began at that time to publish a series of inflammatory articles calling on the



"South to awake, to arouse to a sense of her danger." At the same time it charged the North with the intention of liberating the slaves. It published every abolition document or "frothy incendiary paragraph" that it could find. This matter was printed not occasionally but daily, and whole columns of it at a time. Some sensible democratic papers repudiated this plan. The *Telegraph* denounced them as traitors to the South. In response to this the Richmond *Enquirer* said: "We do not declaim about slavery because we do not believe that the citizens of the North are mad enough to trench upon our rights." The *Pennsylvanian*, another democratic journal, declared: "The conduct of the *United States Telegraph* in relation to the slavery of the South is incomprehensible. Day after day that incendiary print is endeavoring to stimulate an excitement on this fearful topic, by representing the desperate journals of a few fanatics in New York and Boston as emanations of the late patriotic proclamations of our beloved President"—an allusion to President Jackson's proclamation against Nullification. When the *Telegraph* took up this line of action, continued Mr. Clingman, the country was resting quietly in the influence of the Missouri Compromise. Neither the South nor the North was alarmed. Nobody was uneasy save Mr. Calhoun and his uneasiness was due to the fear that he was about to be shelved by the public; and so the Southern people must be stirred. "Already," shrieked the *Telegraph* to the South, "has the ban of empire gone forth against your best and wisest statesmen. Fidelity to you is political death to them! Treason to you is the surest prospect to federal promotion! Is it wise, is it safe, is it honorable to sleep over such wrongs?" "When this occurrence began," continued Mr. Clingman, "the people of the North, not understanding the game that was to be played, seemed to be surprised. They declared that the South was too timid and too sensitive on the question; that there was no





danger to be apprehended from the machinations of the abolitionists; and that their movements were condemned by ninety-nine out of every one hundred of the citizens of the free States. . . . Intelligent Southern men, too, who traveled through the Northern States declared the same thing." Yet the *Telegraph* was not satisfied. It became more furious than ever. "Such returns seemed to chill the generous enthusiasm of the North." This is strong and not uncertain language. If the charges contained in it are true it marks the beginning of great national calamity. The infuriation of the South in the beginning brought about the conditions of out of which war could not but come. If, as Mr. Clingman charged, Mr. Calhoun wrought that infuriation, and for his own selfish political ends, it is to him that we must charge the misery and death that the war brought to the South and to the North. Is the charge a true one? I am not at present able to say. I have seen politicians do as much in my own day. I am not sure that they would not have done it in 1833. It is but just to add that in 1848 Mr. Clingman retracted this charge to the extent that it gave Mr. Calhoun the intention of dissolving the Union. This change of view was due to an incident which happened at that time and which, said Mr. Clingman, "satisfied me that Mr. Calhoun was really a friend of the Union on the principles of the Constitution." Here it must be remembered, however, that Mr. Clingman's own views were changing, and that when they had completed that process of change he was a Democrat, and one of the most advanced defenders of the Southern rights side then in the party.

In this same speech, Mr. Clingman discussed secession, which was then much talked of. He did not consider secession as beyond the range of the probable, and when it should come he thought that the slave States would be able to maintain themselves. For himself he said: "I am for maintaining our present Constitution of government as



long as any human exertion can uphold it. . . . But when a great organic change is made in that Constitution—a change which is to degrade those who have sent me to represent them here—then, sir, at whatever cose of feeling or of personal hazard, I will stand by the white race, the freemen of the South.”

However much he might have condemned the efforts of Mr. Calhoun in stirring up the South as early as 1833, it is evident that the South once excited he was on the Southern side. As the Northern Whigs came more and more under the anti-slavery influence the Southern Whigs veered more and more away from them. As early as 1848, says Mr. Clingman, he was convinced that the Northern Whigs could not be relied on to keep their promises to the South. In the fall of 1849 he was traveling in the North and he was convinced from what he saw and heard there that in the coming Congress the Northern Whigs and Van Buren men would support the Wilmot Proviso. Moreover, he was of the opinion that many Northern Democrats, tired of contending against the strong anti-slavery current at home, would help to pass the Proviso and thus force President Taylor, the head of the Whigs, either to approve the measure and so to alienate his Southern vote, or to veto it and alienate the Northern Whigs. On his return to Washington he proposed to some of his colleagues that an effort be made to arouse Southern sentiment so that the North should not dare to proceed to extremes. The proposition was agreeable, and by request he wrote to Mr. Foote, of Mississippi, a letter in which he declared that all the South ought to unite in resisting the encroachment of the North “in a manner commensurate with the violence of the attack.” Mr. Foote was a leader of the extreme side of the Democratic party in the South. When, therefore the correspondence between the two was published it made a deep impression on the public mind. The South was aroused. The result was that some of the Southern





Whigs voted against the party candidate and after a long contest Mr. Howell Cobb, of Georgia, was elected Speaker over Mr. Robert C. Winthrop, of Massachusetts; but in this case Mr. Clingman seems to have voted with his party.

In the same session Mr. Clingman made a speech "In Defence of the South against Aggressive Movement of the North." He eulogized the civilization of the South as follows: "I regard it as right to say on this occasion, that whether considered with reference to the physical comfort of the people, or a high state of public and private morals, elevated sense of honor, and of all generous emotions, I have no reason to believe that a higher state of civilization either now exists elsewhere, or has existed at any time in the past, than is presented by the Southern States of the Union." The Missouri Compromise, the constantly growing tariff, the Wilmot Proviso, and the kindred measures were enumerated as acts of Northern aggression. Secession he discussed as a near possibility and he declared "calmly to Northern gentlemen that they had better make up their minds to give us at once a fair settlement; not cheat us by a mere empty form, without reality, but give something substantial for the South." What he wanted was a compromise line at 40° north latitude, with California left to the North, although he said he would be willing to accept the Missouri line for that purpose. The region south of this line was to be left open for a time to all classes and then the inhabitants were to decide its relation to slavery. This he thought a fair compromise. The North would find the South patient under wrongs. But let her beware. "We do not love you, people of the North," he exclaimed, "well enough to become your slaves. God has given us the power and the will to resist. Our fathers acquired our liberty by the sword, and with it, at every hazard, we will maintain it. But before resorting to that instrument, I hold that all





Constitutional means should be exhausted. . . . Sooner than submit to what they [the abolition press] propose, I would rather see the South, like Poland, under the iron heel of the conqueror."

As a practical means of resisting the North he suggested to his friends to make dilatory motions and thus obstruct all business even to the loss of the appropriation bills. This plan was at that time a surprise to the country. It was resorted to for temporary purposes and became known as the "Clingman process." Mr. Clay asked the author where he got the idea. He answered that it came to him one night between midnight and day as he lay thinking on the distressed condition of the country. "Well, said Mr. Clay indignantly, "it is just such an idea as I suppose a man would get between midnight and day." "Neither Mr. Clay nor Mr. Webster liked the speech; but Mr. Clay was tactful enough to keep on good social terms with the speaker. Mr. Webster was more abrupt and the winter had not passed ere he had told Mr. Clingman plainly that he could not maintain social relations with him, a position which the great man soon regretted and which he took steps to reverse. Yet all that the two great leaders could do did not keep the representative from the North Carolina mountains in the Whig fold. He was slowly setting his face towards the Democrats. He opposed the compromise of 1850, but voted for the Fugitive Slave Law. He considered that the measures yielded nothing to the South since the Constitution itself guaranteed the return of fugitive slaves.

His final break with Whiggery came as follows: In April, 1852, a number of Whig leaders in Washington held a caucus to consider the advisability of calling a national convention to nominate a candidate for the presidency. Mr. Clingman favored Mr. Webster for President, because he was conservative. There was a strong tendency to put up General Scott on a platform endorsing the compromises



of 1850. This would make him acceptable to the North. Against this scheme Mr. Clingman and a few other Southern Whigs were united. The caucus was plainly against him. He announced that he could not pledge himself to support the nominee of the proposed convention. He had prepared a resolution demanding that the convention should favor a faithful execution of the Fugitive Slave Law. When he saw that the caucus would not do this he and his friends walked out of it, and from that time he ceased to be a Whig. In due time General Scott was nominated on a Southern platform. In his letter of acceptance he managed not to endorse the platform. Thus it was thought he would please both sections. The result showed otherwise. He carried only two Northern, and two Southern States. Mr. Clingman supported Mr. Pierce, but was himself re-elected in his impregnable mountain district. This district had been carried by President Taylor in 1848 by a majority of three to one. It was decidedly a Whig district. It was a great evidence of the confidence of his people in that they re-elected him in 1852 when he was supporting a Democrat for President. In the present day of party machinery such a thing would be impossible.

Mr. Clingman's next important action was in regard to the Kansas-Nebraska Act. By this measure Mr. Douglas tried to open to possible slave colonization territory made free by the Missouri Compromise. At first Mr. Clingman opposed this measure on the grounds of expediency, although he thought it well founded in theory. He thought it would alienate Northern friends of the South. On the other hand he considered that since the compromise of 1850 had declared for non-intervention, non-intervention it should be everywhere. The Democrats blindly decided to go ahead. They pushed through a bill which the simplest of them must have known would be regarded in the North as a breach of faith. Our North Carolinian





did not hesitate for a long time. He supported the bill in a fervid speech and gave it his vote. Later on he said in a letter to some of his political friends: "I declare to you, gentlemen, that after a congressional service of nearly ten years, I would rather that every vote of mine on all other questions should be obliterated from the journals than be deprived of my participation in that one act."

From that time Mr. Clingman was hardly so prominent as formerly. As a Southern Whig he had attracted attention. As a Democrat he was swallowed up in large numbers. Yet he did his duty faithfully. He opposed the higher tariff, he favored low expenditures, he advocated American intervention in the Crimean War; he wanted the United States to bring on a war with England, or Spain, or France, if possible; so as to overwhelm slavery in the public mind. He favored the Ostend Manifesto and made a speech in its support, and he was bitterly hostile to England and demanded the repeal of the Bulwer-Clayton treaty. His speech to this effect was his last in the House. Shortly after it was made, he was appointed, in May 1858, to the seat in the Senate vacant by the resignation of Mr. Biggs. At the expiration of this term he was elected to the same seat and sworn in at the special session on March 5, 1861. A few weeks later he resigned to follow his State into secession.

In the Senate his career was satisfactory to his friends. He at once became a leader on the Southern side. Although he continued to profess his love for the Union no man insisted more strenuously on the rights of the South. The John Brown Raid was a severe blow to him, and on January 16, 1860, he gave vent to his feelings in a "Speech Against the Revolutionary Movement of the Anti-Slavery Party," a speech which was thought by some to have been his greatest effort. Those who are acquainted with his intense style of oratory may be somewhat disappointed to find this speech full of calm and rather plaintive feeling.



It is as if he were convinced of the hopelessness of his cause and were only bent on making a protest for the sake of posterity against a wrong the consummation of which was already fixed by destiny. He still thought the matter could be settled without disunion, but said clearly that the Southern people were prepared to resort to that if necessary. At this time Mr. Clingman declares that he knew nothing of the plan of Messrs. Slidell and Jefferson Davis to divide the Democratic party, a plan which, he said, "so much surpassed in its insanity and wickedness all similar events in the history of humanity that no one can fairly be blamed for not anticipating it." Of course he resisted such a plan. When Mr. Davis, as a means of developing this sentiment in the minds of Southern Congressmen, introduced a resolution defining the power of Congress in the territories, he made a speech against the resolution. All his efforts were unsuccessful. The party convention saw the consummation of the Davis scheme. After the conventions were adjourned he retired from active politics. He could not stay long in retirement. He was called out by a sentiment in a speech of Mr. Douglas, at Norfolk, Va., in which that gentleman endorsed coercion of the South. This sentiment was repeated in Raleigh. Mr. Clingman then decided to support Mr. Breckenridge. He made several speeches in the campaign and in them advocated resistance in case Mr. Lincoln should be elected.

It was in keeping with the above sentiment that on March 6, 1861, he made some remarks on the motion to print President Lincoln's inaugural. The latter had said that he would recognize no "resolves or ordinances" to the purpose of secession. Mr. Clingman took his cue from this idea. He declared in all the fervor of his best days: "I say the practical question is now upon us; shall we have these forts taken; shall we have a collision; shall there be an attempt to collect a revenue in the seceding





States? It will not do to ask the country to wait two, or three, or more years, as the Senator from New York suggests, to obtain constitutional amendments. If Mr. Lincoln intends to use the power in his hands, as he states in his inaugural, we must have war." As day after day passed and the President gave no further definite assurance of his policy, this conviction settled in Mr. Clingman's mind. On March 19, he again addressed the Senate. He said that if the policy of the President was to be peace why had he not given the country assurance of it? The failure to do so he could but believe meant that a policy of force was determined on. The waiting he foresaw was to give time to collect the scattered army and fleet. Later in life he was convinced that the administration had not at that time decided on war. The cause of the change he thought partly to have been the action of Virginia in refusing to secede. This convinced Mr. Lincoln that if war should come it would be with the cotton States alone and these could be easily overcome. But peace was not to be. North Carolina seceded when called on to fight the Confederacy, and Mr. Clingman resigned his seat in the Senate. He passed out of civil service to the field of military activity and became in the war that followed one of the most efficient brigadier-generals in the Confederate service.





DE GRAFFENREID AND THE SWISS AND PALATINE  
SETTLEMENT OF NEW BERN, N. C.

Although Eastern North Carolina was one of the first regions in America to be discovered, and its advantages of soil and climate were early known, yet, on account of the disheartening failures of the early attempts, it was late in being colonized, especially by settlers direct from the old countries. But the Virginia settlers knew of the region and many of them commenced to work their way southward toward it. Among these we find De Richebourg, a French Huguenot, who had originally been with a colony of Huguenots on the upper James, but who, growing dissatisfied, moved in 1707 with a part of the colony to a place on the Trent River about two miles above the present situation of New Bern. Many other Virginia settlers, some of them bad characters, moved down and settled in the country about Neuse River. But New Bern was not to be founded by these.

About this time Christopher De Graffenreid, a gentleman of Berne, Switzerland, who had met financial reverses, left his country with the determination to seek his fortunes in America. He went to London and there met Louis Mitchell, a Swiss adventurer like himself. Mitchell had been appointed by the Canton of Berne to find out a tract of land in America suitable for Swiss settlement and he had been in the Carolinas for several years exploring. Switzerland, at this time, was overcrowded with persecuted Protestants, and was seeking to relieve herself by colonizing some of them in America.

De Graffenreid and Mitchell seem to have been kindred spirits, so they joined hands and made proposals to the Lords Proprietors of Carolina for a tract of land on which to settle these Swiss colonists. In 1707 they contracted with the Lords Proprietors for 10,000 acres on or between the Cape Fear and Neuse Rivers and their branches. They were



to pay to the Lords Proprietors for this land 10 pounds per thousand acres purchase money and five shillings yearly as quit-rent. Also they were to have the option for twelve years on 100,000 acres at the same rate, and De Graffenreid was to be made a Landgrave of Carolina.

About this same time there was a serious problem confronting Queen Anne and the British government in the question of the disposal of the great numbers of Protestant refugees from the Palatinate, a province in Germany, who were crowding by the thousands into London. These "poor Palatines," as they were then called, had been driven from their homes by the Catholic persecution arising from the War of the Spanish Succession and were forced to seek refuge in foreign countries. Great sympathy was felt for them in England, and Queen Anne, in 1708 offered them protection in England, and about 20,000 of them came over. But they were a great burden, for they had to be supported by the Queen, which cost a great deal, and, besides, created discontent among the English poor. So Queen Anne was looking for some way to get them away and still do her duty by them.

De Graffenreid was a favorite with her and when she heard of his colonization scheme in Carolina, she concluded it would be a good opportunity to get rid of some of the Palatines; so she made an offer to De Graffenreid for him to take 650 of these with him to Carolina as colonists. The offer was gladly accepted, as the advantages were mutual. De Graffenreid and Mitchell wanted colonists, as it would increase the value of their land, and besides, Queen Anne offered to give each Palatine 20 shillings in cash and pay De Graffenreid and Mitchell 5 pounds and 10 shillings for each Palatine, to cover the cost of transportation etc. A formal contract was drawn up between De Graffenreid and Mitchell on one hand and the commissioners appointed by the Queen on the other. For 5 pounds 10 shillings a head, 650 of the Palatines, about 92 families, were to be





transported to Carolina, and each family was to be given a title to 250 acres of land, and enough provisions, tools and stock to enable them to run a year. For five years the Palatines were to pay no rent, but after that they were to pay 2 pence per year an acre quit-rent. After this, as a sign of her good favor, the Queen made De Graffenreid a Baron of England and Landgrave of Carolina. The Lords Proprietors also, as an extra inducement offered to give orders to their Receiver-General in Carolina to supply the Palatines, until they got a good start, with what provisions he could spare.

The Palatines sailed for America in January, 1710, with three directors appointed by De Graffenreid over them, for he himself, had to stay in London to see about his Swiss colonists. They had a terrible voyage over, being driven violently by storms and having one of their vessels plundered by a French privateer. They landed in Virginia not daring to go to Carolina by sea on account of privateers and the bars at the inlets. From Virginia they went overland and by the sound to the county of Bath, as it was then called, and were located in May or June 1710, by John Lawson, the Surveyor-General of the province, on a tongue of land, at the confluence of the Neuse and Trent Rivers, then called Chattawka, the present situation of New Bern.

Ill luck seems to have always been attendant on these poor Palatines. On the trip over, about one-half of their number had succumbed to the hardships of the voyage and died. Now they were located in a rough wilderness with hardly any tools and provisions and insufficient money. They were forced to sell a good part of the movables they did have to the neighboring people, in order to get along until De Graffenreid should come with the Swiss. When De Graffenreid and Mitchell did come in December, after a good voyage over, they found, as De Graffenreid has told us, "a sad state of things, sickness, want and desperation having reached their climax."



It is hard to find out exactly how many Swiss colonists there were, some accounts say 1,500, but as De Graffenreid mentions only one ship load, there could hardly have been that many.

De Graffenreid also found the affairs of the province in a bad way. The Governor was dead and Colonel Cary, the Lieutenant-Governor would not recognize Mr. Hyde, the Governor newly appointed by the Lords Proprietors. De Graffenreid threw his influence on the side of Mr. Hyde, which so incensed Colonel Cary that he would not recognize De Graffenreid's patents and orders, and would not give him the help which the Lords Proprietors had promised and on which De Graffenreid said the life of the colony depended. Thus De Graffenreid was forced to go into debt to support the colony. Soon Colonel Cary and his adherents broke out in open rebellion against Mr. Hyde, and for a good while the province was in a tumult. At length, through the aid of the Governor of Virginia, the rebellion was put down.

All this had its evil effects on the little colony at Chattawka point. It made provisions high, and by it the colony was unable to get the promised help from the Lords Proprietors. However, the arrival of the Swiss put new life into the Palatines, and they both set to work to put things on a firm basis. A town was laid out at Chattawka point and called New Bern, after De Graffenreid's old home in Berne, Switzerland. The land was apportioned, cabins built, provisions provided and everything done to insure success.

But now when the colony seemed to be prospering, a "storm of misfortune," as De Graffenreid has put it, "rushed upon them in the shape of the Indians." De Graffenreid accuses Colonel Cary of being the instigator of this outbreak through revenge and jealousy.

In September, 1711, just before the outbreak and suspecting nothing, De Graffenreid started on an exploring





expedition up Neuse river with Surveyor General Lawson. When a few miles up the river they were both seized by the Indians and made prisoners. They were brought before the Indian council, which, after much deliberation, condemned them to death. De Graffenreid, in a letter to Gov. Hyde, describes in very vivid terms the horrible evening and night he and Lawson passed, in constant fear of death. The Indians stripped them of their clothes and bound them to a tree. Then they built a great fire in front of them and had a big medicine dance around it. All of them were painted, and dressed in the most horrible and fantastical manner. Every once in a while the chief conjurer, who, De Graffenreid said, looked like "the devil among his imps," would dance out in front of them, and with horrible motions threaten them with the most terrible deaths. However, De Graffenreid, through the intercession of a friendly Indian, succeeded in getting a respite. Tradition says he effected this by telling the Indians he was a king, and proving it by showing the golden star, which Queen Anne had given him when she made him a Balm. De Graffenreid was retained as a prisoner but Lawson was executed; the exact manner of his execution is unknown, but it is said the Indians stuck his body full of lightwood splinters, like hog-bristles, and set them on fire, and so gradually roasted him.

This was but the beginning of a great Indian outbreak. The Tuscaroras, with all the Indians of that region, simultaneously attached all the colonists along the Pamlico and Neuse rivers, plundering and slaying them. Of the Palatines and Swiss there were sixty or seventy slain and a good many taken prisoners, and the rest forced to congregate in a palisaded place, where they were nearly starved. All this time De Graffenreid was a prisoner among the Indians, but he finally effected his release by making a treaty with them. In this, he pledged that his Swiss and Palatines would remain neutral in the war between the





Indians and the Carolinians. He also agreed not to take up any land without the consent of the Tuscurora king. In return for this his colony was not to be molested. All of the Swiss and Palatines were to put a big letter N on their houses. This stood for Neuse, and was to be a sign that that house belonged to De Graffenreid's people, and was not to be molested. For a little while this treaty was kept, and the Indians didn't bother the New Bern colony, although they were waging a terrible warfare on all the other whites. But there were some among the Swiss and Palatines who didn't like to remain neutral, while the other people of the province were so hard set, so they broke the truce and attacked the Indians. The Indians then turned on them and came near destroying the colony.

The whole province of Carolina was now in great danger, for the Indians, headed by the Tuscurora tribe, were making great headway. They had driven all the people into strong-holds, had plundered their farms and captured and killed a good part of them. Help was solicited from Virginia, but it didn't come, and then a delegation was sent to South Carolina for the same purpose. The Governor of South Carolina sent Col. Barnwell with a small force of whites and a band of eight hundred auxiliary Indians, which succeeded in subduing the Tuscuroras for a while, but after the South Carolina force left, the war broke out anew. South Carolina was again solicited, and she responded with a force, which, with the Carolinians, effectually put down the Indians.

But the war had lasted over a year now, and the colony at New Bern was in a shattered condition. A good many of them had been killed and a good part of the rest had deserted and were scattered all around the county. They came back to find most of their houses burned and their cattle and tools destroyed and themselves without provisions. De Graffenreid went to Virginia to see if he could get any aid, and he did succeed in getting two boat-loads



of supplies, but of these one was burned up before it got to New Bern, and the other ran aground and most of the contents were lost.

De Graffenreid now determined to try his last chance, which lay in finding a gold mine. One of the chief things which induced him to come to America had been that will-o'-the-wisp which attracted so many of the early settlers, the hope of gold. In the Minutes of the Lords Proprietor's meetings we find a contract by which De Graffenreid and Mitchell were to have a lease of all mines and minerals in the province. Up to this time De Graffenreid hadn't had time to do anything along this line, but now he made an extensive tour into the mountains, looking for silver and gold. But although he searched faithfully he was unable to find any signs of either, and he returned as far as Virginia, completely disheartened. The blow about the mines was a great one, for he had been so sure of success that he had induced a number of skilled German miners to come over, and now these were left stranded without work.

He despaired of success now; his colony was without supplies, he was unable to get any, having run heavily in debt already; his bills of exchange would not be accepted, and he was threatened every day with a debtor's prison. He tried as a last straw to get a rich pardner, and when this failed he sold out his interest in the colony to Col. Pollock, a prominent man in the province, and then went back to Berne, Switzerland, in disgust.

Deserted by their leaders, the colonists were now in a terrible condition, and many of them left for South Carolina. But some few remained, and by hard work gradually put themselves on a firm basis. The natural advantage which the location of New Bern had as a trading centre soon told; the people from the surrounding country commenced to locate in it, and in not so very many years it was considered the largest town in the province.





De Graffenreid, in the manuscript in which he describes his adventures, divides the whole into a series of mishaps and cross-accidents, and this truly seems to be the history of the venture.

De Graffenreid accuses Col. Cary of being the chief cause of all his trouble, for besides instigating the Indian uprising, he accuses him of fraudulently taking money from the Palatines in payment for land to which he could give no title, and this evidently was true, for the General Assembly, in 1711, passed an Act to force Col. Cary to restore the money thus taken. De Graffenreid also lays a great deal of the blame on the colonists themselves, accusing them of being worthless and wicked.

The fact is, De Graffenreid, in his account, hurls accusations of cowardice, incapacity and rascality around so generally that the truth is hard to get at. One begins to think that among all this rascality and incompetence, he himself was not untouched, and that this might have had something to do with the failure. He at least didn't deal fairly with the Palatines, for he left without giving them the deeds to the land which they occupied, and which was one of the stipulations they made with him in coming over. In 1714 we find them petitioning the Assembly, trying to secure titles to their land.

On the whole, De Graffenreid seems to have been a mere adventurer, out for his own interests, and so he naturally deserted the colony when he saw it had failed as a money making project.

Amid all this, one cannot but feel in sympathy with the "poor Palatines;" they had left their country to escape persecution, and came to America only to be cheated and mislead on all sides, and finally, after a good part of them had been slain by the Indians, the rest were left in a strange country to shift for themselves.



## NATHANIEL MACON IN NATIONAL LEGISLATION.

The day of myths and mythmakers does not end with the fantastic creations of primæval people. The critic of legendary lore, worn by the study of imperfect records and the analyzation of mental tendencies, may often find a more satisfactory solution to his problem in the humanity around him. Human nature, despite evolution in government and society, has many qualities that are permanent, and none is more prominent than the idealization of its heroes. Mr. McMaster has well said, "George Washington is an unknown man." A credulous public has been deceived for years by the curious inventions of Parson Weems and only within the past few years have Americans begun to write and read of the humanity and real citizenship of the father of their country.

The same is in some degree true of Nathaniel Macon. Those who have attempted to write the history of North Carolina in his generation have so admired the eccentricities of his character that they have consumed time and print in worthless eulogies so far as statesmanship and services to his people are concerned. His public life includes some of the most important and crucial years of our national history; and the intention of this discussion is to state his relations to the more vital questions of his time.

Mr. Macon was elected a member of the Second Congress, which convened in 1791. He was then thirty-two years old and a staunch supporter of the Anti-Federalist party. He had served in the State Legislature, had voted against the adoption of the Constitution because it gave the new Government too many powers, and, true to his native sense of loyalty and Jeffersonian simplicity, had refused any remuneration for his services in the Revolution. The same self-sacrifice he expected of others, for in Congress he opposed the bill promising a grant of land to Count De





Grasse, remuneration of General Greene for personal losses in the war and one making provision for LaFayette when he visited America in 1828, and when the pension system was established, he was one of its most stubborn opponents.

North Carolina was then more prominent in the Union than at any time since, save the months just preceeding secession. She was next to last state to ratify the Constitution and her population ranked her one of the largest in the new federation. It was therefore not only an honor to the individual but a recognition of the State's imperium, that Macon was appointed a member of a committee to report on the resolution making the basis of representation in Congress one for every thirty thousand.

Mr. Macon wished that the bill read *thirty-five* instead of *thirty*, another thirty-four, others thirty-three thousand. It is not necessary to describe the prolonged debates on the various amendments. Long before the question was finally settled, Macon and his colleagues were relieved of their duties. The question of representation was too intricate for the plain and honest gentleman of North Carolina.

Mr. Macon was one of the most uncompromising Anti-Federalists. With Gallatin and the leaders of the party, he fought the United States Bank, the navy, the Jay Treaty and those measures of the administration which tended to increase the authority of the central government. In April, 1796, Wolcott wrote to Hamilton, that "unless a radical change of opinion can be effected in the Southern States, the existing establishments will not last eighteen months." Congress defeated the motion to adjourn on the President's birthday which had been customary. In the second session of the Fourth Congress the reply to the Executive's message, reported by Ames, was warmly debated. It contained a passage complimentary to Washington and expressed regret at his approaching retirement. This was especially noxious to the Anti-Federalists. Giles

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1. Stevens' Gallatin, P. 131.





"wished him to retire, . . . that the government could do only well without him, and that he would enjoy more happiness in his retirement than he possibly could in his present situation." Finally the reply, including the section mentioned, was adopted with twelve dissenting votes. Among these were Macon and another son of North Carolina, Andrew Jackson, who has been described as a "tall, lank, uncouth looking individual with long locks of hair hanging over his brows and face, while a queue hung down his back tied with an eelskin. The dress of this individual was singular, his manners and deportment that of a backwoodsman."

There is no phase of our early national life more attractive than the growth and decline of French influence and those measures of Congress, foreign and domestic, arising therefrom. It is improbable that Macon was influenced by French philosophy, for though never a church member his favorite literature was the Bible, and his austere and pure character is an argument stronger than words that he never imbibed the dregs of the skeptical Illuminati. Yet he was an admirer of Jefferson and when the Federalists proposed bills that would restrict citizenship he supported his party's policy of liberty in opinion and action for the individual. In 1798, he spoke against the resolutions prolonging the term of residence for naturalization on the grounds that "if persons have given notice of their intention to become citizens, they have complied in part with the laws; and he did not think it would be right to put it out of their power to comply with the other part." The next day the Alien Law was proposed and Macon promptly objected to the "extraordinary power" given the President. In July he voted against the abrogation of the French treaty, tho' the indignation over the X. Y. Z. affair was at its maximum and war seemed the only method of main-

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Stevens' Gallatin, P. 133 n.

Annals of Cong. 5th Session. Vol. 1, P. 1779.



taining the national dignity. In the same month, in the debates on the Sedition Bill, Macon opposed the measure because, (1) that interference with the press and liberty of speech may be extended to religious establishments and this is forbidden by the Constitution, (2) that it was an infringement of State authority, since prosecutions of libels were understood by the State conventions to be the duty of the State and not the National Judiciary. He quotes Iredell and Wilson, of North Carolina, to support this. (3) The bill shows lack of confidence in the States, and mutual confidence is the basis of the Union. "This Government depends on the State Legislatures for existence. They have only to refuse to elect Senators to Congress, and all is gone."<sup>1</sup>

Though the act became a law, the arguments of Macon are interesting, for they ably express the views of his party on the constitution, and properly handled might still be valid objections to a censorship of the press, though a century has passed and our ideas of Union have greatly changed.

But Macon was not yet done with the Sedition Law. On January 23, 1800, he moved the repeal of the second section of the law, which fined or imprisoned those speaking or writing with intent to defame the government or excite "illegal combinations." It was expected that the Southern Federalists, among them John Marshall, would join the Republicans and they would carry the House for the motion. Mr. Bayard, of Delaware, moved the following amendment: "And the offences therein specified shall remain punishable at common law: *Provided*, That upon any prosecution it shall be lawful for the defendant to give in his defence the truth of the matters charged as a libel." Macon's resolution was carried by a majority of two, four Southern Federalists supporting the measure. The amendment was also carried by a majority of four, the votes of

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1. Ann. Cong. 5 Sess. Vol. II. P. 2151.





the Federalists. After the voting, however, the Republicans realized that they had been trapped. The amendment made libel a felony, when formerly it was simply an offence to be punished by fine and imprisonment. Also it tended to give the Supreme Court, Federalist in its personnel, that jurisdiction over the common law which the strict constructionists so dreaded. After some discussion, a vote was taken on the resolution and amendment as a whole, the count standing 87 nays to 11 yeas. "The Sedition law was left to pass out of existence by its own provisions.

No year of Mr. Macon's public life was more important than the year 1800, for then appeared in Congress his political mentor and friend, the dashing, brilliant, but erratic John Randolph. That these two men should have drifted together and maintained intimate relations in private as well as public life, is one of those strange anomalies which we pretend to explain by the law of attractions between opposites, for there is no common quality in the two men, except their eccentricities. Macon was a "typical representative of the honest but scarcely brilliant or interesting democracy of his native State;" simple-minded, ignorant of the ways of the world, and pure as a Roman Cincinnatus. "Jack Randle," as he was known, was a "Virginian Brutus, with eyes that pierced and voice that rang like the vibration of glass, and with the pride of twenty kings to back his more than Roman virtue." "There were few men who were not attracted by him, and those who were his staunchest friends were high-minded and pure Southerners. Macon was bewitched and soon worshipped him as an Apollo, seeing in his friend all that he himself was not, an astute politician and true man of the world. Madison and Gallatin were now in the Cabinet, and these

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1. Randall's Jefferson, Vol. II, P. 532; Ann. Cong., 1799-1801, Pp. 404-423. Trent, "Southern Statesmen of the Old Regime," P. 112.

2. Adams' Randolph, P. 54.



two eccentrics became the House leaders of the ascendant Republican party. In 1801 Macon was elected Speaker, and the honor was his successively until 1806, when the rupture in his party gave the majority to the Northern wing. He won this distinction through force of character and was soon known as the "Father of the House." But let it be remembered that the Speakership at this time demanded a moderator rather than a party leader, the type introduced by Henry Clay.

Mr. Jefferson was not chosen President without the famous deadlock that compelled a radical change in our electoral methods. When the vote on the bill establishing our present system was taken, there was one ballot lacking to make the required two-thirds majority. Macon, the Speaker, claimed his right to cast a ballot as member of the House, overruled the opinion that he was limited to tie cases, voted for the bill and so fixed the present law.

The most interesting phases of his Speakership are the slavery debates and the formation of party factions. In regard to the "dread institution" Macon was a representative North Carolinian. The State never knew the extensive slave system of Virginia on the north or of her sister States on the south. The slave-holders were usually small farmers who saw their servants daily and were bound to them by sympathy as well as by economic interests. It is said that Mr. Macon, until sixty years of age, was accustomed to work in the field with his negroes. His views on the slave trade and abolition are therefore valuable in forming an estimate of the institution in the State.

Mr. Macon's first utterance on slavery was in 1797, when a memorial was introduced in Congress from the yearly meeting of Quakers at Philadelphia, complaining "that certain persons of the African race, to the number of one hundred and thirty-four, set free by members of the religious society of Quakers, besides others whose cases were not so particularly known, had been reduced again into





cruel bondage under the authority of an *ex post facto* law passed for that purpose by the State of North Carolina in 1777, authorizing the seizure and re-sale as slaves of certain emancipated negroes."<sup>1</sup> In the debates following Macon declared "there was not a man in North Carolina who did not wish there were no blacks in the country. Negro slavery was a misfortune; he considered it a curse; but there was no means of getting rid of it."<sup>2</sup> He then accused the Quakers of making unconstitutional petitions to Congress, and also of endeavoring to incite slave insurrections in the Southern States. The latter charge was untrue and absurd, but it shows that the colonial anti-Quaker sentiment was not yet extinct. The petition was referred to a committee, who decided that Congress could take no action, as the matter involved the judiciary, not the legislative, department.

The negro problem, however, was not allowed to rest. The next prolonged discussion was in 1804. The Haytian rebellion drove many negroes to America and the Southern people were alarmed, fearing slave insurrections. In January, 1803, Wilmington, N. C., memorialized Congress and asked for protection against these black immigrants. A law was passed which forfeited the ship and punished the captain that brought African negroes into any State that prohibited the slave trade. In spite of this law, the importation increased and was so popular that South Carolina repealed her prohibitory law. Thousands of negroes were sold into the new Louisiana territory. The Quakers of Pennsylvania remonstrated and Bard, of that State, moved that a tax of ten dollars be placed on each imported slave. Mr. Macon opposed this motion because, if the slave were taxed, the government would be compelled to protect the slave ships; and it would be an insult to the dignity of South Carolina as a State.

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1. Hildreth's History of U. S., second series, Vol. II, P. 178.

2. Ibid, Pp. 179-180.





"Gentlemen think that South Carolina has done wrong in permitting the importation of slaves. That may be, and still this measure may be wrong. Will it not look like an attempt in the general government to correct a State for the undisputed exercise of its constitutional power? It appears to be something like putting a State to the ban of the empire."<sup>1</sup>

Here, as well remarked by Hildreth, was the germ of the argument of Calhoun, for States are not only possessed of constitutional powers, but are to be allowed to exercise them, even if it be to the detriment of the nation as a whole. The debate was so warm that the matter was dropped on promises and entreaties of South Carolina.

In the final debates on the suppression of the slave trade, to go into effect in 1808, the question of primary importance to be settled was the disposition of illegally imported Africans. "The argument of those who insisted that the negroes should be sold was tersely put by Macon," says DuBois,<sup>2</sup> 'in the sentence, "In adopting our measures on this subject, we must pass such a law as can be executed.'"

If they are made free, what will become of them, alone in a strange land, not even knowing our language? Are they to be maintained and civilized by the public? In some States, also, "there is a legal provision that an owner of a slave may give him his freedom, on going into court and giving security that the slave that is liberated shall not be a charge on the county. Those persons who deal in this nefarious traffic will never carry their cargoes into a port of the Union where there are no slaves. They will go to the States where slavery exists, and there smuggle them; and, if we pass this amendment, the situation of these States will be most deplorable.

..... Perhaps I may be under the influence of local prejudice, but there is no State in the Union more opposed to the importation of slaves than the State which I have the honor to represent. It was proposed by her, ten years ago, so to amend the Constitution as to give Congress the power of prohibiting the importation of slaves. I believe the proposition passed by an unanimous vote. Certain I am, it had my hearty approbation. But it seems to me if you give these people their freedom, and turn them loose, they must perish."<sup>3</sup> Also, the negroes could not be returned to Africa, for it was impossible to know from what tribe they

1. Ann. Cong., 1805-1806, P. 359; Hildreth, second series, Vol. II, P. 503.

2. "Suppression of Slave Trade," P. 98.

3. Ann. Cong. 1806-1807, P. 171.



came. As to the objection that the government by selling them was engaging in the traffic, let it be remembered that when the United States has obtained judgment against a slave owner, his slaves are liable to be seized and sold and the proceeds go to the treasury.

This point, however, was also unsettled, and the disposal of the smuggled negro was left to the various States.<sup>1</sup>

In regard to the punishment of slave traders, the Southern members opposed the death penalty and favored forfeiture and fine. Mr. Macon did not express his views on this point, but his colleague, Mr. Holland, of North Carolina, said that, as the South did not regard slaveholding as a moral offence, death was too severe a penalty. He wished to place the traffic on political and not moral grounds, and Mr. Macon was of the same opinion.

"I still consider this a commercial question. The laws of nations have nothing more to do with it than the laws of the Turks or the Hindoos . . . If this is not a commercial question, I would thank the gentleman to show what part of the Constitution gives us any right to legislate on the subject?"

Once again in these debates does Macon make a bold stroke. Mr. Bidwell made an amendment to the forfeiture clause: "*Provided*, That no person shall be sold as a slave by virtue of this act." The vote was a tie, 60 to 60. Macon vetoed it. Finally a Senate bill replaced that of the House, and the law instituting forfeiture and imprisonment was at last established. There were many evasions, which were always a crumpled rose leaf to the Southern members. In 1809, in the debates on embargo and foreign intercourse, it was suggested to open trade with Hayti. Randolph was terrified, thinking the policy, if adopted, would cause slave insurrections. Mr. Livermore, who had introduced the idea, replied that there was already an illegal trade between Hayti and North Carolina. Mr. Macon then arose; he was more excited than Randolph, and declared that war with both France and England was preferable to trade with the rebellious West Indian negroes.

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1. *Ibid*, P. 179.





In the meantime there was a break in the Republican ranks which culminated in Macon losing the Speakership and Randolph's temporary retirement from Congress. Randolph's prospects for a long and successful career had been flattering. The Speaker, his intimate friend, himself chairman of ways and means committee, and friend and relative of the President, no man has ever had a better opportunity for a long period of national service. But he was too overbearing and jealous of his colleagues. In the first place, Jefferson and Madison feared the Federalists, who yet held the judiciary, and at Jefferson's instigation and contrary to the advice of Macon, Randolph impeached Judge Chase. He failed, not one of the long list of charges receiving the required two-thirds majority. A failure is never a guarantee of success. Then the Yazoo frauds claimed the attention of the House. Madison and the Northern members favored a compromise, but Randolph was inexorable. Then Randolph and Macon were extreme strict constructionists, and had even denied the right of Congress to bridge the Potomac because Virginia and Maryland had a right of navigation. The result was that by 1805 their fortunes were waning. October 23 Randolph wrote to Nicholson concerning Macon's chances for the Speakership in the new Congress:

"I am now seriously apprehensive for his election; and more on his account than from public considerations, although there is not a man in the House, himself and one other excepted, who is in any respect qualified for the office. I cannot deny that the insult offered to the man would move me more than the injury done the public by his rejection. Indeed, I am not sure that such a step, although productive of temporary inconvenience, would not be followed by permanent good effects. It would open the eyes of many well-meaning persons, who, in avoiding the scylla of innovation, have plunged into the charybdis of federalism . . . . . Do not fail to be in Washington time enough to counteract the plot against the Speaker, and pray apprise such of his friends as are within your reach of its existence."<sup>1</sup>

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1. Adams' Randolph, P. 158,



After a sharp contest Macon was re-elected, and Randolph was once more placed on the ways and means committee.

Jefferson's term was to expire soon and Madison, in the minds of his party, was to be his successor. Randolph could not tolerate Madison, and championed the only man who could rival him, Monroe. As Jefferson and Madison were intimate, he broke with the President, and refused to support the two-million appropriation for the purchase of Florida, although he had engineered the Louisiana purchase. He now fought the administration on every issue, and voted steadily with the Federalists. By 1807 the Northern wing were in the majority, and Varnum, of Massachusetts, was chosen Speaker. "The spell," says Mr. Adams, "was now at an end, and Macon, although retaining friendly relations with Randolph, hastened at this session to draw away from him in politics, and gave an almost unqualified support to the administration."

A relation of Macon's policies on the Sedition Laws and the slave trade are necessary only when his entire life is considered. That part of his career which has made him a national character, which has formed a prominent place in our history however briefly it is studied, was his service in the period of our foreign affairs just previous to the War of 1812. As stated, Macon was for several years but the shadow of Randolph and the influence of the erratic Virginian over him is in no way better illustrated than in the debates on foreign intercourse. In 1800, a bill came before the House to suspend trade with France. Randolph and Macon opposed it, and only through Gallatin's exertions was it passed. During the debates on non-importation of goods from England in 1806, Macon made one of his longest addresses to the House, and urged many objections to the imposed measure. Among other propositions, he gave as his opinion that the solution of our difficulties was to abandon the carrying trade and to





concentrate on the coast trade. Here again his views were identical with Randolph's. But by 1808, he had broken with Randolph and voted for the act excluding French and English vessels from American ports, while Randolph opposed retaliation. Yet he opposed appropriations for increasing our naval force, although the country was drifting nearer war day by day, for he declared that large navies never were, and never could be, conducive to commerce. Another example of his provincial simplicity is, that when war was more imminent than ever, he wished to loan our navy to some foreign power that American sailors might be taught European naval tactics. As a means of defence, he preferred Jefferson's system of gunboats to large frigates.

But embargo was a failure. The law was unsatisfactory, yet repeal meant to yield to France and England. In the spring of 1810, the "American Navigation Act" was substituted. This is often called "Macon Bill No. 1," because introduced by Macon, though the real author was Gallatin, then cabinet officer.

It excluded French and English vessels from our harbor but allowed American vessels to leave port, and confined all importations from France and England to ships direct from those countries. Schouler says, "Had such an experiment as this been undertaken in place of embargo two years earlier, most probably it would have forced England to terms, or else provoked her to such outrageous retaliation that the American people would have sprung to their feet and fought with zeal."

The Bill passed the House but was lost in the Senate. Its defeat was due to the fact that the Anti-Gallatin faction was in the majority. Macon and his committee, however, soon reported a new bill, known as Macon's No. 2. Non intercourse was to expire with the session. Resistance to the decrees of England and Napoleon was abandoned, and, as if to put American influence out for competition, if one





of these powers would repeal its obnoxious laws, the United States would revive non-importation against the other. The effect was disastrous. Napoleon, through an agent, wrote to Armstrong, our minister, that he "loved the Americans" and would revoke his Milan and Berlin decrees if England would withdraw the Orders in Council. Madison then declared trade with England suspended, American vessels, trusting to the good faith of the Emperor, flocked to French ports but in December, 1810, by Napoleon's orders they were seized, and property to the value of ten million dollars was confiscated. Macon wrote to a friend that Taylor, of South Carolina, was the author of the bill, but Smith of Maryland said it was drawn up by the secret contrivance of Madison.<sup>1</sup> One thing is certain: the law was a terrible blunder and has left an ineffacable blur on our diplomatic history.

Mr. Macon opposed the war party until the Leopard-Chesapeake affair, when he declared that America had done all she could to prevent hostilities and now the National honor demanded armed resistance. Yet he wished the war to be defensive, not offensive; and for this reason he did not believe in increasing the navy. No one, he said, expected the war to be a naval one and every cent expended in the repair of ships was useless. The army, he insisted, should be organized on the old Revolutionary plan instead of the new system proposed.

These are the principle questions in which he was involved as Representative in Congress. There were many minor issues that felt his influence which cannot be mentioned. There was one bill introduced by him which, though defeated, has yet greatly affected American ideas. It provided that any citizen of the United States accepting title or gift from foreign powers without the consent of Congress, should cease to be a citizen and be incapable of

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History of United States. Vol. II, 299.

1. Schouler, Vol. II. P. 196 n.



holding office. The amendment passed the House but was lost in the Senate. It was an able expression of that unpopularity which foreign family alliances have always received in this country. Mr. Macon also introduced an amendment which forbade any Congressman to hold civil office while National Representative. Tho' never incorporated in the Constitution as an amendment, this requirement was established by Congress as a regulation for its members.

In 1815 Mr. Macon passed into the Senate. Tho' his long service to the lower House made him one of the leading men of the day, his Senatorial career is of little interest. Perhaps this is because the destiny of the Nation was forever decided, in many respects, by the close of the War of 1812: Federalism was dead, the early Republican platforms had radically changed, the broad construction theory was dominant, and Macon could well say in 1824, that not a principle of his party was identical with those of the earliest days of National history.

As Senator, Mr. Macon voted against the first and second Missouri Compromises, opposed Internal Improvements, and, though he thought a National Bank would be expedient, he did not believe the Government had the authority to establish such an institution and therefore voted against its charter. It would be profitable and interesting to study his constitutional theories, but so few of his papers have been preserved and his speeches were so brief, that this is impossible. A letter of 1833 to S. P. Carson is a nucleus from which to draw general conclusions concerning his views on tariff and nullification.

"There can be no doubt that the United States are in a deplorable situation, . . . My opinion has never been a secret, and I have always stated it to those who wanted to know it. In the year 1824 the constitution was buried. The Senators who were then present will, it is believed, recollect the fact, and it was never afterward questioned by me while I continued in the Senate. . . . I never believed that a State could nullify and remain in the Union, *but always believed that a State could secede when she pleased, provided she would pay her portion of the public debt.*





"This right I have considered the best guard to the public liberty and the public justice that could be desired and it ought to have prevented what is now felt in the United States—oppression.

"A government of opinion, established by sovereign States, cannot be maintained by force. The use of force makes enemies and enemies cannot live in peace."

Mr. Macon was chairman of the Senate Committee on the Panama Congress. The committee's report was lengthy and against the United States, participation in the scheme. It was drawn up by Tazwell of Virginia and was defeated. Macon also cast a solitary vote against appropriations for Lafayette's reception on his visit to America—likewise he fought the appropriation asked by the Columbian College of Washington. He was economical even to parsimony, and to the last was jealous for the rights of the individual States.

In 1824 he received the electoral vote of Virginia for Vice-President and from 1825 to 1827 was President, *pro tem.*, of the Senate. In 1828 he resigned and returned to private life, having reached the Psalmist's limit of years. The public knew him again in 1835, when he presided over the State Convention which reformed suffrage, and once more in 1837 he was elector on the Van Buren ticket.

No study of Macon's public life would be complete without mention of those friendships whose traditions cast upon them the halo of the Platonic. His admiration of Randolph is proverbial in our political folk-lore. Mr. Adams, in his *Randolph* in the "Statesmen Series," infers that this affiliation was one-sided, that Randolph used the enchanted Macon as a tool to project his ambitions. Facts do not corroborate this view. Macon had an influence over his mentor that no other Congressman had. On May 24, 1812, Randolph made an *anti bellum* speech when there was no motion before the House. He was called to order by a member, but was sustained by the Speaker. Finally, after repeated interruptions and as many times sustained, the breach of parliamentary law was too evident, and Ran-



dolph was requested by the Speaker to produce a motion in written form. Angry words resulted, and there might have been another duel added to the long list of those days, but Macon interferred, soothed the temper of the angered Randolph, and nothing serious resulted. For this and other reasons the Virginian might well say: "If wisdom consisted in properly exercising our judgment upon the value of things desirable, Mr. Macon was certainly the wisest man I ever saw. In 1808 they separated in politics. There was doubtless an estrangement in social relations. From 1813, when Randolph failed to return to Congress, we know the old warmth of feeling waned. In 1815 Macon wrote to Nicholson that he had not heard from Randolph since the latter's retirement from public life, and that he could not account for the cold reception given Nicholson by Randolph recently in Baltimore.<sup>1</sup> Some time later amicable intercourse was re-established; for in 1826, Randolph, again in public life, wrote that his old friend Macon reminded him daily of "the old Major who verily believed that I was a none-such of living men." In his will Randolph bequeathed to Macon, "My oldest high silver candlestick, my silver punch ladle with whalebone handle, a pair of silver cases with handles and my crest engraved thereon, my hard metal dishes that have my crest J. R. in old English letters; also the plates of the same engraving, the choice of four of my best young mares and geldings, and the gold watch by Raskell . . . May blessings attend him, the best and purest and wisest man that I ever knew."

Macon was also an intimate friend of Benton. "Mr. Macon," he says in his "Thirty Year's View," "was the real Cincinnatus of America, the pride and ornament of my native State, my hereditary friend through four generations, my mentor in the first seven years of my senatorial and last seven of his senatorial life." "He spoke more

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1. Adams' "Randolph," P. 202.





good sense while getting in his chair and getting out of it than many delivered in long and elaborate speeches." Madison, Monroe and Jefferson were strong in Macon's affections. One of the last and perhaps most pathetic of Jefferson's letters was directed to Macon. There is nothing in American biography more touching than these paragraphs from the old chieftain, alone and retired at Monticello, to his younger partisan, still strong and able for the battle. "I read no newspaper now but Ritchies," he says, "and in that chiefly the advertisements, for they contain the only truths to be relied on in newspapers." Is this the retribution for the errors of the *National Gazette*? He continues, "I feel much greater interest in knowing what has past two or three thousand years ago . . . I read nothing but the heroes of Troy, of the wars of Lacedæmon and others, of Pompey and Cæsar, of Augustus, too, the Bonaparte and parricide scoundrel of that day."

Unfortunately Macon destroyed his correspondence and for this reason many problems of his life must remain unsolved. In private life he was neat, punctilious, economical, plain and unostentatious. Yet to know the man, fully to appreciate his spirit and what he was to those who knew him intimately for years, is for us impossible. We can only read the idealizations of his many admirers, and conclude that this "Last of the Romans," as Jefferson named him, was among the "noblest of them all."





## BOOK NOTICES.

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Abraham Lincoln. A Man of the People. By Norman Hapgood. (New York: The Macmillan Co., 1899. Pp. xiii. 433.)

Mr. Hapgood's book is perhaps the most satisfactory portrayal of the character of Lincoln that is before the public. It is not so close and intimate a study as Herndon's but it covers fully the period of the war, which Herndon, goes over so hurriedly as to make his work seem, as indeed it is, incomplete. The treatment of Hapgood is sane, interesting, and devoid of eulogy, except as the incomparable character of his subject eulogizes itself. It shows Lincoln in a most human light. It is not wanting in certain small inaccuracies; but a book is to be measured by the good there in it and not by the bad. By this standard the work is a success.

J. S. B.

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The History of South Carolina under the Proprietary Government, 1670-1719, and The History of South Carolina under the Royal Government, 1719-1775. By Edward McCrady. (New York: The Macmillan Co., 1897 and 1899. Pp. ix. 762 and xxviii. 847.)

Mr. McCrady's purpose is a laudable one. He has come to the rescue of the history of his State and with a great deal of industry has produced two large volumes. He has used the printed sources that relate to his subject with a spirit of fairness and with no little ability. But as to the unprinted sources his work is disappointing. There are, he says, 36 manuscript volumes of records brought over from the Public Rolls office in London and awaiting publication by the State of South Carolina. These documents seem to be accessible to the historian, since Mr. McCrady refers to them in a few cases; but in his whole work, wherein there is an abundance of footnotes, he has referred to these documents less than fifteen times. The references to the North Carolina Colonial Records are many times more numerous. All this seems to indicate that Mr. McCrady's work must be done over again when the documents to which I refer are in print; for it is most probable that such a publication will reveal much that is now unknown. At any rate it will be worth while to have a work that is on the sure basis of public documents. Besides this there are some inaccuracies as the confounding of Sir Hovenden Walker, who was in South Carolina in 1719, with Deputy Governor Henderson Walker, of North Carolina, who at that time was in his grave. Each work is too closely chronological in form to be clear, and the former lacks a Table of Contents. This fault is remedied in the second volume, and in each volume it is lessened by an adequate index.

J. S. B.



*The Philadelphia Negro: A Social Study.* By W. E. Burghardt Du Bois, Ph.D., Sometime Assistant in Sociology in the University of Pennsylvania; Professor of Economics and History in Atlanta University. (Publications of the University of Pennsylvania Series in Political Economy and Public Law, No. 14, 1899. Pp. xx. 520.)

*The Future of the American Negro.* By Booker T. Washington (Boston: Small, Maynard & Co., 1899. Pp. x. 244.)

There is no better indication of the Negro's progress than the rise of colored scholars and educators. That a race produces men who view the problems of humanity from the standpoint of reason, and rely on the fruits of their intellect for a livelihood, is a certain sign of an advance toward maturity in thought and feeling. This, more than the information set forth, lends interest to the subjects of this review.

Mr. Du Bois's monograph is by far the more scholarly and valuable. A graduate of Harvard and two years a student at Berlin, he has applied to his subject the best of modern methods: and his four hundred pages form perhaps the most complete social investigation by an American writer. He first reviews the history of the Negro in Philadelphia, and one is impressed that the prejudice and hard feeling against the colored man has been largely due to economic causes. Negroes were brought into the colony and city at an early date, and were finally emancipated by a gradual process. Although degraded, they were so inspired by freedom and directed by able leaders that they made considerable progress. But the rise of factories and immigration of foreign labor, as well as the antipathy of those opposed to abolition, checked this development and increased crime and poverty. Gradually economic adjustment allayed excitement and a normal condition was attained, but the inpouring of emancipated Southern blacks at the close of the war caused another crisis, marked by idleness, poverty, and vice.

With such a history for a background, a social study of any people must be instructive. Limited space forbids extensive review. One of the most significant chapters is on the family which "was destroyed by slavery, struggled up after emancipation, and is again not exactly threatened, but neglected, in the life of city Negroes." Another on "organized life" contains many suggestive ideas on the church and its hold on the people. "As a social group the Negro Church may be said to have antedated the Negro family on American soil, as such it has preserved, on the one hand, many functions of tribal organization, and on the other, many of the family functions." One equally important chapter discusses crime and it is shown that the percent of Negro crime in the city today is far less, according to population, than before the war, "that after the war it decreased until the middle of the seventies and then, coincident with the beginning of the new Negro immigration to cities, it has risen pretty steadily." Much of this increase has been due to change of life and economic competition. Finally, what is said of "color prejudice," makes one wonder that even so much has been done by Negro individuals. Speaking of the graduates of one colored school, he says: "From one-half to two-thirds of these have been compelled to leave the city in order to find work; one, the artist, Tanner, whom





France recently honored, could not in his native land much less in his native city find room for his talents. He taught school in Georgia in order to earn money enough to go abroad."

The most striking element of Mr. Washington's book is its elevated moral tone. "The time has come, it seems to me, when in this matter (the race problem) we should rise above party or race sectionalism into the region of duty of man to man, of citizen to citizen, of Christian to Christian; and if the Negro, who has been oppressed and denied his rights in a Christian land, can help the whites of the North and South to rise, can be the inspiration of their rising into this atmosphere of generous Christian brotherhood and self-forgetfulness, he will see in it a recompense for all that he has suffered in the past." The burden of the subject matter is the need of industrial training among the Negroes. There are many sentences that smack of the proverb, as, "The American dollar knows no prejudice." The essay that reaches current conditions is the one on lynchings, and the immoral effects of mob law on the people is established by carefully prepared statistics. Again, we find this passage:—"I am not pleading for the Negro alone. Lynching injuries, hardens, and blunts the moral sensibilities of the young and tender manhood of the South. Never shall I forget the remark by a little nine year old white boy, with blue eyes and flaxen hair, after he had returned from a lynching; 'I have seen a man hanged; now I wish I could see one burned.' Rather than hear such a remark from one of my little boys, I would prefer to see him in his grave."

After considering the thoughts and work of these men, we can not but feel that the negro is not in all an evil; that some day he will cease to be a "problem"; and that that spirit of pathos and melody that has been his characteristic in the past, may be a fore-gleam of a valuable and effectual citizenship in the future.

W. K. B.











